Air Traffic Management and Unmanned Aircraft Act 2021

2021 CHAPTER 12

An Act to make provision about airspace change proposals, about the licensing regime for air traffic services under Part 1 of the Transport Act 2000 and about airport slot allocation, to confer police powers relating to unmanned aircraft and requirements in Air Navigation Orders and to provide for fixed penalties for certain offences relating to unmanned aircraft. [29th April 2021]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

AIRSPACE CHANGE PROPOSALS

1 Meaning of "airspace change proposal"

In this Part references to an "airspace change proposal" are to a proposal that—

(a) relates to managed airspace or the flight procedures or air traffic control procedures used within it, and

(b) is of a type that the CAA is required to develop procedures for dealing with by directions given (from time to time) under section 66 of the Transport Act 2000 (air navigation directions given by the Secretary of State to the CAA).

Commencement Information

I1 S. 1 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(a)**

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

2 Direction to progress airspace change proposal

(1) The Secretary of State may give a direction to a person involved in airspace change requiring the person to do one or more of the following—

(a) prepare an airspace change proposal or take steps towards the preparation of an airspace change proposal;

(b) submit an airspace change proposal to the CAA;

(c) take steps to obtain approval to an airspace change proposal that has been submitted to the CAA;

(d) review the operation of an airspace change proposal that has been implemented (having been approved).

(This is subject to subsection (4).)

(2) For the purposes of this Part, a person is involved in airspace change if the person is—

(a) an air navigation service provider,

(b) an airport operator, or

(c) another person with functions relating to air navigation.

(3) Before giving a direction to a person under subsection (1) the Secretary of State must consult the person.

(4) The Secretary of State may give a direction under subsection (1) only if the Secretary of State considers that the direction will assist in the delivery of the CAA's airspace strategy.

(5) A direction given to a person under subsection (1) may require the person, in doing what the person is directed to do, to—

(a) act in accordance with procedures published by the CAA, and

(b) have regard to guidance published by the CAA concerning those procedures.

(6) A direction given to a person under subsection (1) may—

(a) require the person to do specified things by specified dates;

(b) require the person to keep the CAA informed at specified intervals of the progress being made towards doing what the person is directed to do.

(7) The references in subsection (5) to procedures and guidance published by the CAA are to procedures and guidance published by the CAA in accordance with directions given (from time to time) under section 66 of the Transport Act 2000 (air navigation directions given by the Secretary of State to the CAA).

Commencement Information

I2 S. 2 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(b)**

3 Direction to co-operate in airspace change proposal

(1) The Secretary of State may give a direction to a person involved in airspace change requiring the person to co-operate with another person involved in airspace change for the purpose of assisting that other person to do one or more of the following—

(a) prepare an airspace change proposal or take steps towards the preparation of an airspace change proposal;

(b) submit an airspace change proposal to the CAA;

(c) take steps to obtain approval to an airspace change proposal that has been submitted to the CAA;

(d) review the operation of an airspace change proposal that has been implemented (having been approved).

(This is subject to subsection (3).)

(2) Before giving a direction under subsection (1) the Secretary of State must consult—

(a) the person to whom the direction would be given, and

(b) the person with whom co-operation would be directed.

(3) The Secretary of State may give a direction under subsection (1) only if the Secretary of State considers that the direction will assist in the delivery of the CAA's airspace strategy.

(4) A direction under subsection (1) may require a person to co-operate in such ways as the Secretary of State considers appropriate including by—

(a) providing such information and documents as are reasonably requested by the person with whom co-operation is directed, and

(b) providing that information or those documents in such form (including, in the case of information, by answering questions orally or in writing) as is reasonably requested by the person with whom co-operation is directed.

(5) A direction given to a person under subsection (1) may—

(a) require the person to do specified things by specified dates;

(b) where the direction requires the person to provide such information and documents as are reasonably requested by the person with whom co-operation is directed, require the person to provide the information and documents by such date as the person with whom co-operation is directed reasonably requests;

(c) require the person to keep the CAA informed at specified intervals of the progress being made towards doing what the person is directed to do.

(6) If the person to whom a direction is given considers that a request for information or documents from the person with whom co-operation is directed is not a reasonable request (whether by virtue of what has been requested, the form in which it has been requested or the date by when it has been requested), the person to whom the direction is given may refer the request to the CAA.

(7) If a request is referred to the CAA under subsection (6), the CAA must—

(a) determine whether or not the request is a reasonable request, and

(b) give a notice of the determination to both persons referred to in subsection (6).

(8) A direction under subsection (1) may not require a person to provide information or documents that the person could not be compelled to provide in evidence in civil proceedings before the High Court or, in Scotland, the Court of Session.

Commencement Information

I3 S. 3 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(c)**

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

4 Directions under sections 2 and 3: supplemental

(1) A direction under section 2 or 3 must be given in writing.

(2) The Secretary of State may vary or revoke a direction under section 2 or 3 by giving a notice to the person to whom the direction was given.

(This is subject to subsection (4).)

(3) Before varying a direction under subsection (2) the Secretary of State must consult—

(a) in the case of a direction under section 2, the person to whom the direction was given, and

(b) in the case of a direction under section 3, the person to whom the direction was given and the person with whom co-operation was directed.

(4) The Secretary of State may vary a direction under subsection (2) only if the Secretary of State considers that the direction as varied will assist in the delivery of the CAA's airspace strategy.

(5) The Secretary of State must publish—

(a) a direction under section 2 or 3;

(b) a notice of variation or revocation under subsection (2).

(6) In so far as a direction under section 2 or 3 conflicts with the requirements of a direction under—

(a) section 14 of the Aviation Security Act 1982 (directions for purposes of protecting aircraft, aerodromes and air navigation installations against acts of violence),

(b) section 38 of the Transport Act 2000 (directions in interests of national security etc), or

(c) section 93 of the Transport Act 2000 (control in time of hostilities etc),

the direction under section 2 or 3 is to be disregarded.

Commencement Information

I4 S. 4 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(d)**

5 Delegation of functions to CAA

(1) The Secretary of State may delegate to the CAA the Secretary of State's functions under sections 2 to 4 by giving a notice to the CAA.

(2) In carrying out functions delegated to it under subsection (1), the CAA must have regard to any international obligation of the United Kingdom notified to the CAA by the Secretary of State for the purposes of this Part.

(3) The following provisions of the Civil Aviation Act 1982 are not to apply in relation to functions delegated to the CAA under subsection (1)—

(a) section 4 (general objectives of the CAA);

(b) section 7(1) (Secretary of State's power to prescribe functions not to be performed by a person on the CAA's behalf).

(4) The Secretary of State may revoke a delegation of functions under subsection (1) by giving a notice to the CAA.

(5) The CAA must publish a notice given to it under subsection (1) or (4).

Commencement Information

I5 S. 5 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(e)**

6 Provision of information

In section 84 of the Civil Aviation Act 1982 (provision by others of information for the CAA and Secretary of State), in subsection (1)—

(a) after paragraph (d) insert—

"(e) a person involved in airspace change within the meaning of Part 1 of the Air Traffic Management and Unmanned Aircraft Act 2021 (see section 2(2) of that Act),";

(b) after paragraph (iii) insert—

"(iv) in the case of such a person as is mentioned in paragraph (e) of this subsection, descriptions of information which is of a kind which the CAA considers that it requires for the purpose of performing any of its functions under Part 1 of the Air Traffic Management and Unmanned Aircraft Act 2021 or for the purpose of giving any advice, assistance or information to the Secretary of State in connection with the performance of any of the Secretary of State's functions under Part 1 of that Act."

Commencement Information

I6 S. 6 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(f)**

7 Appeals and enforcement

(1) Schedule 1 makes provision for appeals against decisions to give or vary directions under sections 2 and 3.

(2) Schedule 2 makes provision for—

(a) the CAA to enforce directions, and

(b) connected appeals.

Commencement Information

I7 S. 7(2) in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I8 S. 7(1) in force at 18.2.2022 by S.I. 2022/119, **reg. 2(g)**

I9 S. 7(2) in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(g)**

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

8 Part 1: interpretation

(1) In this Part—

"air navigation service provider" means a person who provides air traffic services within the meaning of Part 1 of the Transport Act 2000 (see section 98 of that Act) by virtue of—

(a) an exemption granted under section 4 of that Act, or

(b) a licence granted under section 6 of that Act;

"airport operator" has the same meaning as in the Airports Act 1986 (see section 82(1) of that Act);

"airspace change proposal" has the meaning given by section 1;

"the CAA" means the Civil Aviation Authority;

"the CAA's airspace strategy" means the strategy and plan (taken together) for the use of managed airspace that the CAA is required to prepare and maintain by directions given (from time to time) under section 66 of the Transport Act 2000 (air navigation directions given by the Secretary of State to the CAA);

"managed airspace" means airspace above—

(a) the United Kingdom, and

(b) any area which is outside the United Kingdom but in respect of which the United Kingdom has undertaken under international arrangements to carry out activities with regard to air navigation.

(2) References in this Part to a person involved in airspace change are to be read in accordance with section 2(2).

(3) References in this Part to a notice are to a notice in writing.

(4) Where a person is required to publish something by this Part, the person must publish it in whatever form and manner the person considers appropriate for bringing it to the attention of persons likely to be affected by it.

Commencement Information

I10 S. 8 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(h)**

PART 2

AIR TRAFFIC

9 Licensed air traffic services: modifying the licence and related appeals

(1) For section 11 of the Transport Act 2000 substitute—

"**11 Modification of a licence**

(1) The CAA may modify a licence by modifying the licence conditions.

(2) Subsection (1) is subject to section 11B.

(3) The Secretary of State may modify a licence—

(a) by modifying any term specifying the period for which the licence continues in force or any term by or under which that period is determined;
(b) by modifying a prescribed term.

(4) In this section "prescribed" means prescribed by regulations made by the Secretary of State.

11A Modification of licence: procedure

(1) Before modifying a licence in reliance on section 11, the modifying authority must—
(a) publish a notice in relation to the proposed modification;
(b) send a copy of the notice to the persons listed in subsection (2);
(c) consider any representations about the proposed modification that are made in the period specified in the notice (and not withdrawn).

(2) The persons are—
(a) the licence holder;
(b) any owners or operators of aircraft, or any bodies representing them, that the modifying authority considers appropriate;
(c) any owners or managers of aerodromes, or any bodies representing them, that the modifying authority considers appropriate;
(d) any bodies representing users of air transport services that the modifying authority considers appropriate;
(e) where the modifying authority is the CAA, the Secretary of State;
(f) where the modifying authority is the Secretary of State, the CAA.

(3) The notice under subsection (1) must—
(a) state that the modifying authority proposes to modify the licence;
(b) specify the proposed modification;
(c) give the modifying authority's reasons for the proposed modification;
(d) state the effect of the proposed modification;
(e) specify a reasonable period for making representations.

(4) If, after publishing the notice under subsection (1), the modifying authority decides not to make the modification in reliance on section 11, the modifying authority must—
(a) publish a notice, giving its reasons;
(b) send a copy of the notice to the persons listed in subsection (2).

(5) If, after complying with subsections (1) to (3) in relation to a modification, the modifying authority decides to modify a licence in reliance on section 11, the modifying authority must—
(a) publish a notice in relation to the modification;
(b) send a copy of the notice to the persons listed in subsection (2).

(6) The modifying authority is not to be treated as having complied with subsections (1) to (3) in relation to a modification of a licence if the modification differs significantly from the modification proposed in the notice under subsection (1).

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(7) The notice under subsection (5) must—

(a) specify the modification;

(b) specify the date from which the modification is to have effect (subject to paragraphs 6 to 8 of Schedule A1);

(c) give the modifying authority's reasons for the modification;

(d) state the effect of the modification;

(e) state how it has taken account of any representations made in the period specified in the notice under subsection (1);

(f) state the reasons for any differences between the modification and that set out in the notice under subsection (1).

(8) The date specified under subsection (7)(b)—

(a) in the case of a modification of a licence condition, must fall after the end of the period of 6 weeks beginning with the day on which the notice under subsection (5) was published (subject to paragraphs 6 to 8 of Schedule A1);

(b) otherwise, must fall after the end of the period of 28 days beginning with that day.

(9) In this section "modifying authority"—

(a) in relation to a modification of a licence condition, means the CAA;

(b) in relation to any other modification, means the Secretary of State.

11B Restrictions on power to modify licence conditions

(1) The CAA must not make a proposed modification if, within the period specified under section 11A(3)(e), the Secretary of State directs it not to do so.

(2) The CAA must—

(a) publish a direction given to it under subsection (1);

(b) send a copy of the direction to the persons listed in subsection (3).

(3) The persons are—

(a) the licence holder;

(b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;

(c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;

(d) any bodies representing users of air transport services that the CAA considers appropriate."

(2) Omit sections 12 to 18 of that Act.

(3) Schedule 3 to this Act makes provision for appeals against modifications of licence conditions.

(4) Before Schedule 1 to the Transport Act 2000 insert the Schedule A1 (appeals under section 19A) set out in Schedule 4 to this Act.

Commencement Information

I11 S. 9 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(a)**

10 Air traffic services licensed under Part 1 of the Transport Act 2000: enforcement

(1) Chapter 1 of Part 1 of the Transport Act 2000 is amended as follows.

(2) For section 20 substitute—

"**20 Enforcement**

Schedule B1 makes provision for—

(a) the enforcement of the duties imposed by section 8 and licence conditions, and

(b) connected appeals."

(3) Omit sections 21 to 24.

(4) For section 25 substitute—

"**25 Power to obtain information**

Schedule C1 makes provision—

(a) to enable the CAA to obtain information for the purposes of carrying out its functions under section 34 and Schedule B1,

(b) for enforcement in connection with the exercise of those powers, and

(c) for connected appeals."

(5) After that section insert—

"Penalties

25A Imposing penalties

(1) The CAA may not impose a penalty on a person under paragraph 9 or 10 of Schedule B1 or paragraph 2, 3 or 4 of Schedule C1 for an act or omission if it has imposed a penalty on the person under one of those provisions in respect of the same act or omission.

(2) Subsection (1) does not prevent the CAA imposing more than one penalty on a person in respect of acts or omissions that take place at different times or over different periods.

25B Recovering penalties

(1) This section applies if all or part of a penalty imposed on a person under this Chapter is not paid within the period specified in the notice given in respect of the penalty under paragraph 12 of Schedule B1 or paragraph 6 of Schedule C1.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(2) The unpaid balance carries interest from time to time at the rate for the time being specified in section 17 of the Judgments Act 1838.

(3) The CAA may recover from any person as a debt due to the CAA—
  (a) the unpaid balance, and
  (b) any interest on the penalty that has not been paid.

(4) Any sums received by the CAA by way of a penalty or interest under this Chapter must be paid into the Consolidated Fund.

25C Statement of policy on penalties

(1) The CAA must prepare and publish a statement of its policy with respect to—
  (a) imposing penalties under this Chapter, and
  (b) determining their amount.

(2) The CAA may revise the statement of policy and, if it does so, it must publish the revised statement.

(3) When imposing a penalty under this Chapter, or determining the amount of such a penalty, the CAA must have regard to the last statement of policy published before the act or omission in respect of which the penalty is to be imposed.

(4) When preparing or revising a statement, the CAA must consult any persons that it considers appropriate."

(6) In section 34 (investigations), for subsections (1) and (2) substitute—

"(1) A person may make a representation to the CAA about an alleged or apprehended contravention of a section 8 duty or a licence condition.

(2) Where a representation is made to the CAA, the CAA may—
  (a) consider the representation;
  (b) investigate the alleged or apprehended contravention."

(7) After Schedule A1 (inserted by section 9) insert—
  (a) the Schedule B1 (enforcement of duties under section 8 and licence conditions) set out in Schedule 5 to this Act;
  (b) the Schedule C1 (information) set out in Schedule 6 to this Act.

Commencement Information
I12 S. 10 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(b)**

11 Air traffic services: consequential amendments

Schedule 7 contains amendments that are consequential on sections 9 and 10.

Commencement Information
I13 S. 11 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(c)**

12 Airport slot allocation

(1) Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports is amended as follows.

(2) After Article 10a insert—

"Article 10aa

Temporary power to make regulations about airport slot allocation

1 The Secretary of State may by regulations amend or modify this Regulation or the Airports Slot Allocation Regulations 2006 (S.I. 2006/2665) to make provision about the allocation of airport slots to air carriers in respect of specified periods.

2 The Secretary of State may make regulations under this Article only if the Secretary of State considers that as a result of severe acute respiratory syndrome coronavirus 2—

(a) there has been a reduction in the level of air traffic in a period compared to the corresponding period in a relevant previous year, and

(b) the reduction is likely to persist.

3 The power to make regulations under this Article may not be exercised—

(a) after 24 August 2024, or

(b) in respect of a period after the winter season following 24 August 2024.

4 Regulations under this Article may, in particular, make provision—

(a) requiring coordinators to consider slots allocated for a specified period as having been operated by the air carrier to which they were initially allocated, subject to any conditions as may be specified in the regulations being met;

(b) modifying Articles 8(2), 10(2) and (4) and 14(6) of this Regulation to apply for a specified period as if they contained different percentage figures, subject to any conditions as may be specified in the regulations being met;

(c) modifying Article 10(4) of this Regulation to apply for a specified period as if it included additional reasons on the basis of which non-utilisation of slots by an air carrier can be justified;

(d) modifying Article 14 of this Regulation to apply for a specified period as if it included a power for the coordinator to withdraw slots from an air carrier for the remainder of a scheduling period where the coordinator determines that the air carrier has ceased its operations at the airport concerned and is no longer able to operate the slots allocated to it;

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(e) about enforcement of any provision made under this Article, including modifying for a specified period Article 14 of this Regulation or regulations 14 to 19 of the Airports Slot Allocation Regulations 2006;

(f) modifying for a specified period any provision of this Regulation relating to the allocation of slots to new entrants (including the definition of new entrant);

(g) modifying for a specified period any provision of this Regulation relating to coordination parameters.

5 In paragraph 2(a) "relevant previous year" means any previous year that the Secretary of State considers appropriate for the purposes of comparing levels of air traffic."

(3) In Article 13 (regulations)—

(a) after paragraph 1 insert—

"1a A statutory instrument containing regulations under Article 10aa may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.";

(b) in paragraph 2, for "Regulations" substitute " Any other regulations ".

PART 3

UNMANNED AIRCRAFT

13 Powers of police officers and prison authorities

Schedule 8 makes provision about powers of police officers and prison authorities relating to unmanned aircraft.

Commencement Information

I14 S. 13 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I15 S. 13 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(d)**

14 Powers of police officers relating to ANO 2016

Schedule 9 makes provision about powers of police officers relating to requirements in the ANO 2016.

Commencement Information

I16 S. 14 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

15 Fixed penalties for certain offences relating to unmanned aircraft

Schedule 10 makes provision about fixed penalties for certain offences relating to unmanned aircraft.

Commencement Information

I17 S. 15 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I18 S. 15 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(e)**

16 Amendment and enforcement regulations

Schedule 11 confers powers to make amendment and enforcement regulations.

17 Disclosures of information

(1) Except as provided by subsection (2), a disclosure of information under a provision of this Part does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(2) Nothing in this Part authorises a disclosure of information which—

(a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the duties imposed by this Part are to be taken into account), or

(b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(3) Nothing in this Part limits the circumstances in which information may be disclosed apart from under this Part.

(4) In this section "the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

(5) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraph 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (2)(b) has effect as if it included a reference to that Part.

18 Part 3: interpretation

In this Part—

"ANO 2016" means the Air Navigation Order 2016;

"subordinate legislation" means any instrument made or to be made—

(a) under an Act of Parliament, or

(b) on or after IP completion day under any **[**[F1]assimilated direct**]** legislation;

"unmanned aircraft" means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

Textual Amendments

F1 Words in s. 18 substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 99**

PART 4

GENERAL

19 Regulations

(1) A power to make regulations under any provision of this Act includes power to—

(a) make different provision for different purposes or areas;

(b) confer functions on the Secretary of State or any other person;

(c) make consequential, supplementary, incidental, transitional or saving provision.

(2) Regulations under this Act are to be made by statutory instrument.

(3) A statutory instrument containing any of the following (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament—

(a) regulations under paragraph 12 of Schedule 2;

(b) the first regulations to be made under paragraph 2 of Schedule 10;

(c) the first regulations to be made under paragraph 5 of Schedule 10;

(d) regulations under paragraph 6 of Schedule 10 which contain provision amending or repealing provision contained in an Act of Parliament;

(e) regulations under paragraph 1(2) of Schedule 11 that make provision authorised by paragraph 1(3)(b) or (4)(b) or (c) of that Schedule;

(f) regulations under paragraph 3(1)(a) of Schedule 11.

(4) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

(5) This section does not apply to regulations under section 21.

20 Extent

This Act extends to England and Wales, Scotland and Northern Ireland, except that section 12 (airport slot allocation) extends to England and Wales and Scotland only.

21 Commencement

(1) The following provisions come into force on the day on which this Act is passed—

(a) sections 7(2) and 13 to 15 and Schedules 2 and 8 to 10, but only for the purpose of making regulations;

(b) section 12;

(c) section 16 and Schedule 11;

(d) sections 17 and 18;

(e) this Part.

(2) Section 14 and Schedule 9 come into force for all other purposes at the end of the period of two months beginning with the day on which this Act is passed.

(3) Except as provided by subsections (1) and (2), this Act comes into force on such day as the Secretary of State may by regulations appoint.

(4) Different days may be appointed for different purposes.

(5) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.

(6) The power to make regulations under subsection (5) includes power to make different provision for different purposes.

(7) Regulations under this section are to be made by statutory instrument.

22 Short title

This Act may be cited as the Air Traffic Management and Unmanned Aircraft Act 2021.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 7

APPEALS AGAINST DECISIONS TO GIVE OR VARY AIRSPACE CHANGE DIRECTIONS

Appeals against decisions to give or vary directions

1 (1) A person who is given a direction under section 2 or 3 may appeal to the Tribunal against—
(a) the decision to give the direction;
(b) a decision to vary the direction.

(2) The making of an appeal under this paragraph suspends the effect of the direction or the variation (as the case may be) until the appeal is decided or withdrawn, unless the Tribunal orders otherwise.

Commencement Information
I19 Sch. 1 para. 1 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(i)**

Decisions on appeal

2 (1) The Tribunal may allow an appeal under paragraph 1 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—
(a) that the decision was based on an error of fact;
(b) that the decision was wrong in law;
(c) that an error was made in the exercise of a discretion.

(2) If the Tribunal allows the appeal, the Tribunal may set aside or confirm the direction or the variation (as the case may be).

(3) If the Tribunal does not allow the appeal, the Tribunal must confirm the direction or the variation (as the case may be).

(4) When deciding an appeal against a decision made by the CAA, the Tribunal must have regard to any international obligations which the CAA is required to have regard to under section 5(2).

Commencement Information
I20 Sch. 1 para. 2 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(i)**

Further appeals

3 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Tribunal under paragraph 2.

(2) An appeal under this paragraph may be brought by a party to the proceedings before the Tribunal.

(3) An appeal may not be brought under this paragraph without the permission of—

(a) the Tribunal, or

(b) the appropriate court.

(4) In this paragraph "the appropriate court"—

(a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, means the Court of Appeal;

(b) in the case of an appeal from proceedings in Scotland, means the Court of Session.

Commencement Information

I21 Sch. 1 para. 3 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(i)**

Interpretation

4 In this Schedule "the Tribunal" means the Competition Appeal Tribunal.

Commencement Information

I22 Sch. 1 para. 4 in force at 18.2.2022 by S.I. 2022/119, **reg. 2(i)**

SCHEDULE 2

Section 7

ENFORCEMENT OF AIRSPACE CHANGE DIRECTIONS AND CONNECTED APPEALS

PART 1

ENFORCEMENT OF DIRECTIONS

Contravention notices

1 (1) The CAA may give a notice under this paragraph (a "contravention notice") to a person if the CAA has reasonable grounds for believing that the person has contravened a direction requirement.

(2) A contravention notice must—

(a) specify the direction requirement and contravention in respect of which it is given;

(b) explain the action that the CAA may take under this Schedule in connection with the contravention;

(c) explain that representations may be made about the matters in the notice before the end of the representation period.

(3) The CAA may extend the representation period on one or more occasions by giving a notice to the person.

(4) If the CAA withdraws a contravention notice, the CAA must give a notice to the person that includes its reasons for doing so.

(5) As soon as practicable after giving a notice under sub-paragraph (1), (3) or (4), the CAA must publish the notice.

(6) In this Schedule "representation period", in relation to a contravention notice, means—

(a) the period of 14 days beginning with the day on which the contravention notice is given;

(b) where the period has been extended in accordance with sub-paragraph (3), the extended period.

Commencement Information

I23 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I24 Sch. 2 para. 1 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Enforcement orders

2 (1) The CAA may give an order under this paragraph (an "enforcement order") to a person if—

(a) the CAA has given the person a contravention notice (and has not withdrawn it),

(b) the representation period has ended,

(c) the CAA has considered any representations made before the end of that period (and not withdrawn) about the matters in the contravention notice, and

(d) the CAA has determined that the person has contravened a direction requirement specified in the contravention notice in one or more of the ways specified in the notice.

(2) An enforcement order must—

(a) specify the direction requirement and contravention in respect of which it is given;

(b) require the person to take the steps specified in the order to remedy the consequences of the contravention;

(c) require the person to take those steps within a reasonable period specified in the order;

(d) explain that the CAA may impose a penalty on the person in accordance with this Schedule if the person fails to take the specified steps within the specified period;

(e) give the CAA's reasons for giving the order.

(3) As soon as practicable after giving an enforcement order, the CAA must publish the order.

Commencement Information

I25 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I26 Sch. 2 para. 2 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Enforcement orders: modification and revocation

3 (1) The CAA may modify or revoke an enforcement order by giving a notice to the person to whom the order was given.

(2) The notice under sub-paragraph (1) must give the CAA's reasons for the modification or revocation.

(3) As soon as practicable after giving a notice under sub-paragraph (1), the CAA must publish the notice.

Commencement Information

I27 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I28 Sch. 2 para. 3 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Penalty for contravention of enforcement order

4 The CAA may impose a penalty on a person if the CAA has determined that the person has contravened a requirement of an enforcement order.

Commencement Information

I29 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I30 Sch. 2 para. 4 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Procedure after imposing a penalty

5 (1) As soon as practicable after imposing a penalty under paragraph 4, the CAA must—

(a) give a notice to the person on whom the penalty is imposed;

(b) publish the notice.

(2) The notice must—

(a) state that the CAA has imposed a penalty;

(b) state the amount of the penalty;

(c) specify the requirement in the enforcement order and the contravention in respect of which it is given;

(d) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.

(3) In the case of a penalty calculated entirely or partly by reference to a daily amount (see paragraph 8), the notice must specify—

(a) the day on which the daily amounts begin to accumulate;

(b) the day on which, or the circumstances in which, they cease to accumulate.

(4) As soon as practicable after daily amounts cease to accumulate, the CAA must—

(a) give a notice to the person on whom the penalty was imposed confirming the day on which they ceased to accumulate;

(b) publish the notice.

Commencement Information

I31 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I32 Sch. 2 para. 5 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Amount of penalty

6 (1) The amount of a penalty imposed on a person under paragraph 4 must be the amount that the CAA determines to be—

(a) appropriate, and

(b) proportionate to the contravention for which it is imposed.

(2) The penalty may consist of either or both of the following—

(a) a fixed amount (see paragraph 7);

(b) a daily amount (see paragraph 8).

(3) In determining the amount of a penalty, the CAA must have regard, in particular, to any steps taken by the person on whom the penalty is to be imposed for contravening a requirement of an enforcement order towards—

(a) complying with, or remedying the consequences of the contravention of, the requirement of the order;

(b) complying with, or remedying the consequences of the contravention of, the direction requirement specified in the order.

Commencement Information

I33 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I34 Sch. 2 para. 6 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Amount of penalty: fixed amount

7 A penalty imposed on a person under paragraph 4 must not consist of or include a fixed amount exceeding 10% of the person's turnover.

Commencement Information

I35 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I36 Sch. 2 para. 7 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Amount of penalty: daily amounts

8 (1) A penalty imposed on a person under paragraph 4 must not consist of or include a daily amount exceeding 0.1% of the person's turnover.

(2) A daily amount is payable in respect of each day in a period specified by the CAA in the notice under paragraph 5.

(3) A specified period during which daily amounts accumulate must be the period that the CAA considers appropriate, subject to sub-paragraphs (4) and (5).

(4) The period must begin after the day on which the CAA gives the notice under paragraph 5.

(5) The period must end before—

(a) the day on which the person takes the steps specified under paragraph 2(2)(b) in the enforcement order, or

(b) if those steps are taken on different days, the last of those days.

Commencement Information

I37 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I38 Sch. 2 para. 8 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Withdrawal of penalties

9 (1) If the CAA withdraws a penalty, the CAA must give a notice to the person on whom the penalty was imposed that includes its reasons for withdrawing the penalty.

(2) As soon as practicable after giving a notice under sub-paragraph (1), the CAA must publish the notice.

Commencement Information

I39 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I40 Sch. 2 para. 9 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Recovering penalties

10 (1) This paragraph applies if all or part of a penalty imposed on a person under paragraph 4 is not paid within the period allowed for payment under the notice given in respect of the penalty under paragraph 5.

(2) The unpaid balance carries interest from time to time at the rate for the time being specified in section 17 of the Judgments Act 1838.

(3) The CAA may recover from the person as a debt due to the CAA—

(a) the unpaid balance, and

(b) any interest on the penalty that has not been paid.

(4) Any sums received by the CAA by way of a penalty or interest under this Schedule must be paid into the Consolidated Fund.

Commencement Information

I41 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

I42 Sch. 2 para. 10 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Statement of policy on penalties

11 (1) The CAA must prepare and publish a statement of its policy with respect to—
(a) imposing penalties under this Schedule, and
(b) determining their amount.

(2) The CAA may revise the statement of policy and, if it does so, it must publish the revised statement.

(3) When imposing a penalty under this Schedule, or determining the amount of that penalty, the CAA must have regard to the last statement of policy published before the contravention in respect of which the penalty is to be imposed.

(4) When preparing or revising a statement of policy, the CAA must consult any persons that it considers appropriate.

Commencement Information
I43 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
I44 Sch. 2 para. 11 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Turnover

12 (1) For the purposes of paragraphs 7 and 8(1), a person's turnover is to be determined in accordance with regulations made by the Secretary of State.

(2) Regulations under this paragraph may, in particular, make provision as to—
(a) the amounts which are, or which are not, to be treated as comprising a person's turnover;
(b) the period by reference to which a person's turnover is to be determined;
(c) the circumstances in which a person's turnover may be determined by reference to estimated amounts (including amounts estimated by the CAA);
(d) the determination of a person's turnover (in whole or in part) by reference to accounting rules specified or described in the regulations.

Commencement Information
I45 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
I46 Sch. 2 para. 12 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

PART 2

APPEALS

Appeals against enforcement orders

13 (1) A person may appeal to the Tribunal against—
(a) an enforcement order given to the person;

(b) a modification of an enforcement order given to the person.

(2) The appeal may be against one or more of the following—

(a) the decision to give the order;

(b) the decision as to the steps specified in the order;

(c) the decision as to the period allowed for taking those steps;

(d) the decision to modify the order.

(3) The making of an appeal under this paragraph suspends the effect of the order or the modification (as the case may be) until the appeal is decided or withdrawn, unless the Tribunal orders otherwise.

Commencement Information

I47 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I48 Sch. 2 para. 13 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Appeals against penalties

14 (1) A person may appeal to the Tribunal against a penalty imposed on the person under paragraph 4.

(2) The appeal may be against one or more of the following—

(a) the decision to impose the penalty;

(b) the decision as to the amount of the penalty;

(c) in the case of a penalty calculated entirely or partly by reference to a daily amount, the decision as to the period during which the daily amounts accumulate;

(d) the decision as to the period allowed for payment of the penalty.

(3) Where a person appeals under this paragraph against a penalty, the CAA may not require the person to pay the penalty until the appeal is decided or withdrawn.

Commencement Information

I49 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I50 Sch. 2 para. 14 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Decisions on appeal

15 (1) The Tribunal may allow an appeal under paragraph 13 or 14 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law;

(c) that an error was made in the exercise of a discretion.

(2) If the Tribunal allows an appeal under paragraph 13, the Tribunal may set aside or confirm the enforcement order or the modification (as the case may be).

(3) If the Tribunal does not allow an appeal under paragraph 13, the Tribunal must confirm the enforcement order or the modification (as the case may be).

(4) If the Tribunal allows an appeal under paragraph 14, the Tribunal may—
- (a) set aside or confirm the penalty;
- (b) vary the amount of the penalty;
- (c) vary a period referred to in paragraph 14(2)(c) or (d).

(5) If the Tribunal does not allow an appeal under paragraph 14, the Tribunal must confirm the penalty.

Commencement Information

I51 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I52 Sch. 2 para. 15 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

Further appeals

16 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Tribunal under paragraph 15.

(2) An appeal under this paragraph may be brought by a party to the proceedings before the Tribunal.

(3) An appeal may not be brought without the permission of—
- (a) the Tribunal, or
- (b) the appropriate court.

(4) In this paragraph "the appropriate court"—
- (a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, means the Court of Appeal;
- (b) in the case of an appeal from proceedings in Scotland, means the Court of Session.

Commencement Information

I53 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I54 Sch. 2 para. 16 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

PART 3

INTERPRETATION

Definitions

17 In this Schedule—

"contravention" means a failure to comply and related expressions are to be interpreted accordingly;

"contravention notice" has the meaning given in paragraph 1(1);

"direction requirement", in relation to a person, means any requirement imposed on the person by a direction given under section 2 or 3;

"enforcement order" has the meaning given in paragraph 2(1);

"representation period", in relation to a contravention notice, has the meaning given in paragraph 1(6);

"the Tribunal" means the Competition Appeal Tribunal.

Commencement Information

I55 Sch. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I56 Sch. 2 para. 17 in force at 18.2.2022 in so far as not already in force by S.I. 2022/119, **reg. 2(j)**

SCHEDULE 3

Section 9

MODIFICATION OF LICENCE CONDITIONS UNDER SECTION 11 OF THE TRANSPORT ACT 2000: APPEALS

Commencement Information

I57 Sch. 3 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(f)**

After section 19 of the Transport Act 2000 insert—

"Appeal against modification of licence conditions

19A Appeal to Competition and Markets Authority

(1) An appeal lies to the CMA against a decision by the CAA to modify a licence condition under section 11(1).

(2) An appeal may be brought under this section only by—

(a) the licence holder,

(b) an owner or operator of an aircraft whose interests are materially affected by the decision, or

(c) an owner or manager of a prescribed aerodrome whose interests are materially affected by the decision.

(3) "Prescribed aerodrome" means an aerodrome of a description prescribed by regulations made by the Secretary of State.

(4) An appeal may be brought under this section only with the permission of the CMA.

(5) An application for permission to appeal under this section may be made only by a person who, if permission is granted, will be entitled to bring the appeal.

(6) The CMA may refuse permission to appeal under this section only on one of the following grounds—

(a) that the appeal is brought for reasons that are trivial or vexatious;

(b) that the appeal does not have a reasonable prospect of success;

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(c) that subsection (7) is satisfied.

(7) This subsection is satisfied if the appeal is brought—

(a) against a decision that relates entirely to a matter remitted to the CAA following an earlier appeal under this section, and

(b) on grounds that were considered, or could have been raised by the current applicant or a relevant connected person, as part of the earlier appeal.

(8) In subsection (7) "relevant connected person", in relation to an applicant, means a person who was connected to the applicant at any time during the consideration of the earlier appeal by the CMA.

19B When appeals may be allowed

The CMA may allow an appeal under section 19A only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law;

(c) that an error was made in the exercise of a discretion.

19C Determination of appeal

(1) Where it does not allow an appeal under section 19A, the CMA must confirm the decision appealed against.

(2) Where it allows an appeal under section 19A, the CMA must do one or more of the following—

(a) quash the decision appealed against;

(b) remit the matter that is the subject of the decision appealed against to the CAA for reconsideration and decision in accordance with this Chapter and any directions given by the CMA;

(c) substitute its own decision for that of the CAA.

(3) Where it allows only part of an appeal under section 19A—

(a) subsection (2) applies in relation to the part of the decision appealed against in respect of which the appeal is allowed, and

(b) subsection (1) applies in respect of the rest of that decision.

(4) Where the CMA substitutes its own decision for that of the CAA, the CMA may give directions to—

(a) the CAA, and

(b) the licence holder.

(5) The CMA must not give a direction under this section that requires a person to do anything that the person would not have the power to do apart from the direction.

(6) A direction given by the CMA under this section to a person other than the CAA is enforceable—

(a) in England and Wales and Northern Ireland, as if it were an order of the High Court;

(b) in Scotland, as if it were an order of the Court of Session.

19D Determination of appeal: time limits

(1) The CMA must determine an appeal under section 19A within the period of 24 weeks beginning with the day on which the CAA published, in accordance with section 11A, the notice of the decision that is the subject of the appeal.

This is subject to subsections (2) to (5).

(2) The CMA may extend the appeal period by not more than 12 weeks if satisfied that there are good reasons for doing so.

(3) The CMA may extend the appeal period only once in reliance on subsection (2).

(4) The CMA may extend the appeal period by any period that it considers appropriate if—
- (a) there is an appeal to the Competition Appeal Tribunal under this Chapter which the CMA considers may be relevant to the appeal under section 19A, and
- (b) the appeal to the Tribunal has not been determined or withdrawn.

(5) The CMA may extend the appeal period more than once in reliance on subsection (4).

(6) If the CMA extends the appeal period it must—
- (a) publish a notice stating the new time limit for determining the appeal;
- (b) send a copy of the notice to the persons listed in subsection (7).

(7) Those persons are—
- (a) the holder of the licence that is the subject of the appeal;
- (b) if the appeal was brought by someone other than the licence holder, the appellant;
- (c) any other person with a qualifying interest in the decision that is the subject of the appeal (see paragraph 27(3) of Schedule A1);
- (d) any owners or operators of aircraft that the CMA considers appropriate;
- (e) any owners or managers of prescribed aerodromes (within the meaning given in section 19A(3)) that the CMA considers appropriate;
- (f) the CAA.

(8) The Secretary of State may by regulations modify the periods of time specified in this section.

(9) In this section "appeal period", in relation to an appeal under section 19A, means the period allowed for determining the appeal.

19E Determination of appeal: publication etc

(1) A determination made by the CMA on an appeal under section 19A—
- (a) must be contained in an order made by the CMA, and
- (b) takes effect at the time specified in the order or determined in accordance with the order.

(2) The order must set out the reasons for the determination.

(3) The CMA must—
- (a) publish the order as soon as practicable after the determination is made;
- (b) send a copy of the order to the persons listed in subsection (4).

(4) Those persons are—

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(a) the holder of the licence that is the subject of the appeal;
(b) if the appeal is brought by a person other than the licence holder, the appellant;
(c) any other person with a qualifying interest in the decision that is the subject of the appeal (see paragraph 27(3) of Schedule A1);
(d) any owners or operators of aircraft that the CMA considers appropriate;
(e) any owners or managers of prescribed aerodromes (within the meaning given in section 19A(3)) that the CMA considers appropriate;
(f) the CAA.

(5) The CMA may exclude from publication under subsection (3) any information that it is satisfied is—
(a) commercial information the disclosure of which would or might, in the opinion of the CMA, significantly harm the legitimate business interests of an undertaking to which it relates, or
(b) information relating to the private affairs of an individual the disclosure of which would or might, in the opinion of the CMA, significantly harm the individual's interests.

(6) The CAA must take any steps that it considers necessary for it to comply with the order.

(7) The steps must be taken—
(a) if a time is specified in the order or is to be determined in accordance with the order, within that time;
(b) otherwise, within a reasonable time.

19F Procedure on appeals

(1) Schedule A1 makes further provision in respect of appeals under section 19A.

(2) In carrying out the functions listed in subsection (3), the CMA must have regard to the matters in respect of which duties are imposed on the CAA by section 2.

(3) Those functions are—
(a) deciding an application for permission to appeal under section 19A;
(b) deciding an application under Schedule A1 for permission to intervene in an appeal;
(c) determining an appeal under section 19A, including taking decisions and giving directions described in section 19C.

(4) Except where Schedule A1 provides otherwise, the functions of the CMA with respect to an appeal under section 19A are to be carried out on behalf of the CMA by a group constituted for the purpose, by the chair of the CMA, under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.”

SCHEDULE 4

Section 9

NEW SCHEDULE A1 TO THE TRANSPORT ACT 2000

Commencement Information
I58 Sch. 4 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(g)**

This Schedule sets out the new Schedule A1 to the Transport Act 2000, to be inserted before Schedule 1 to that Act—

"SCHEDULE A1

Section 19F

APPEALS UNDER SECTION 19A

PART 1

PERMISSION TO APPEAL

Application for permission to appeal

1 (1) An application to the CMA for permission to appeal under section 19A may not be made after the end of the period of six weeks beginning with the day on which the CAA published the decision notice.

(2) In this Schedule "the decision notice" means the notice published under section 11A of the decision that is the subject of the application for permission to appeal under section 19A.

(3) The applicant must send a copy of the application to the CAA.

(4) The CAA must—
(a) publish the application;
(b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).

(5) Those persons are—
(a) the holder of the licence that is the subject of the application;
(b) any other person with a qualifying interest in the decision that is the subject of the application;
(c) any owners or operators of aircraft that the CAA considers appropriate;
(d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

Determination of application for permission to appeal

2 (1) The decision of the CMA on an application for permission to appeal is to be taken by an authorised member of the CMA.

(2) The authorised member must take the decision before the end of the period of ten weeks beginning with the day on which the CAA published the decision notice.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(3) The authorised member may grant permission to appeal subject to conditions.

(4) The conditions may, in particular, include—

(a) conditions which limit the matters that are to be considered on the appeal;

(b) conditions for the purpose of expediting the determination of the appeal;

(c) conditions requiring the appeal to be considered together with other appeals, including appeals relating to different matters or decisions and appeals brought by different persons.

(5) An authorised member of the CMA who grants permission to appeal against a decision that relates entirely or partly to a matter remitted to the CAA following an earlier appeal under section 19A must grant permission subject to conditions excluding the consideration of—

(a) matters that were considered as part of the earlier appeal, and

(b) matters that could have been raised by the applicant or a relevant connected person as part of the earlier appeal,

unless the member considers that there are compelling reasons not to do so.

(6) In sub-paragraph (5) "relevant connected person", in relation to an applicant, means a person who was connected to the applicant at any time during the consideration of the earlier appeal by the CMA.

(7) An authorised member of the CMA must—

(a) publish the decision on an application for permission to appeal and the reasons for the decision;

(b) send a copy of the decision and the reasons to the persons listed in sub-paragraph (8).

(8) Those persons are—

(a) the holder of the licence that is the subject of the application;

(b) if the application was made by someone other than the licence holder, the applicant;

(c) any other person with a qualifying interest in the decision that is the subject of the application;

(d) any owners or operators of aircraft that the authorised member considers appropriate;

(e) any owners or managers of prescribed aerodromes that the authorised member considers appropriate;

(f) the CAA.

(9) An authorised member of the CMA may exclude from publication under sub-paragraph (7) any information that the member is satisfied is—

(a) commercial information the disclosure of which would or might, in the opinion of the member, significantly harm the legitimate business interests of an undertaking to which it relates, or

(b) information relating to the private affairs of an individual the disclosure of which would or might, in the opinion of the member, significantly harm the individual's interests.

Time limit for CAA to make representations

3 (1) This paragraph applies where the CAA wishes to make representations to the CMA in relation to an application under paragraph 1 for permission to appeal against a decision.

(2) The CAA must make representations in writing before the end of the period of eight weeks beginning with the day on which the CAA published the decision notice.

(3) The CAA must send a copy of its representations to—

(a) the holder of the licence that is the subject of the application;

(b) if the application was made by someone other than the licence holder, the applicant;

(c) any other person with a qualifying interest in the decision that is the subject of the application;

(d) any owners or operators of aircraft that the CAA considers appropriate;

(e) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

PART 2

INTERVENTION IN APPEAL

Application for permission to intervene in appeal

4 (1) Where an application is made under paragraph 1 for permission to appeal against a decision, an application for permission to intervene in the appeal may be made to the CMA by another person who would be entitled to appeal against the decision.

(2) An application for permission to intervene—

(a) may be made before the end of the period of one week beginning with the day of publication of the CMA's decision to grant permission to appeal against the decision;

(b) may be made after the end of that period only with the leave of an authorised member of the CMA.

(3) The applicant must send a copy of the application to the CAA.

(4) The CAA must—

(a) publish the application;

(b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).

(5) The persons are—

(a) the holder of the licence that is the subject of the appeal;

(b) any other person with a qualifying interest in the decision that is the subject of the appeal;

(c) any owners or operators of aircraft that the CAA considers appropriate;

(d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

Determination of application for permission to intervene

5 (1) The decision of the CMA on an application for permission to intervene is to be taken by an authorised member of the CMA.

(2) An authorised member of the CMA may grant permission to intervene in an appeal only if the member is satisfied that allowing the applicant to intervene is necessary or desirable for the proper resolution of the appeal.

(3) The authorised member—

(a) may grant permission to intervene for the purposes of supporting or opposing an appeal;

(b) must make any permission to intervene for the purpose of supporting an appeal subject to conditions preventing the intervener from putting forward new grounds of appeal;

(c) may make permission to intervene subject to other conditions, including conditions which limit the matters that may be raised by the intervener.

(4) An authorised member of the CMA must—

(a) publish the decision on an application for permission to intervene and the reasons for the decision;

(b) send a copy of the decision and reasons to the persons listed in sub-paragraph (5).

(5) Those persons are—

(a) the holder of the licence that is the subject of the appeal;

(b) if the application was made by someone other than the licence holder, the applicant;

(c) any other person with a qualifying interest in the decision that is the subject of the appeal;

(d) any owners or operators of aircraft that the authorised member considers appropriate;

(e) any owners or managers of prescribed aerodromes that the authorised member considers appropriate;

(f) the CAA.

(6) An authorised member of the CMA may exclude from publication under sub-paragraph (4) any information that the member is satisfied is—

(a) commercial information the disclosure of which would or might, in the opinion of the member, significantly harm the legitimate business interests of an undertaking to which it relates, or

(b) information relating to the private affairs of an individual the disclosure of which would or might, in the opinion of the member, significantly harm the individual's interests.

PART 3

APPLICATION FOR SUSPENSION OF MODIFICATION

Application for direction suspending licence modification

6 (1) Where an application is made under paragraph 1 for permission to appeal against a decision, an application for a direction suspending the effect of the decision may be made to the CMA—
  (a) by the person who applied for permission to appeal, or
  (b) by another person who would be entitled to appeal against the decision.

(2) An application for a direction may be made at any time before the determination of the appeal.

(3) The applicant must send a copy of the application to the CAA.

(4) The CAA must—
  (a) publish the application;
  (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).

(5) Those persons are—
  (a) the holder of the licence that is the subject of the application;
  (b) any other person with a qualifying interest in the decision that is the subject of the application;
  (c) any owners or operators of aircraft that the CAA considers appropriate;
  (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

Effect of early application for direction suspending licence modification

7 (1) This paragraph applies if—
  (a) an application is made under paragraph 6 for a direction suspending the effect of a decision under section 11(1) to modify a licence condition,
  (b) the application is made before the end of the period of six weeks beginning with the day on which the CAA published the decision notice, and
  (c) the modification would have effect, but for this paragraph, before the end of the period of ten weeks beginning with that day ("the ten-week period").

(2) The modification does not have effect during the ten-week period.

(3) The decision of the CMA on the application under paragraph 6 must be taken before the end of the ten-week period.

Direction following application under paragraph 6

8 (1) The functions of the CMA in relation to an application under paragraph 6 for a direction are to be carried out by an authorised member of the CMA.

(2) An authorised member of the CMA may give a direction suspending the effect of a decision under section 11(1) to include a condition in a licence only if—

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(a) the applicant for the direction would incur significant costs if the licence condition were to have effect from the date specified in the decision, and

(b) the balance of convenience does not otherwise require the licence condition to have effect from that date.

(3) If the authorised member gives a direction suspending the effect of the decision, the licence condition does not have effect or ceases to have effect—

(a) to the extent specified in the direction, and

(b) for the period specified or described in the direction.

(4) An authorised member of the CMA may by notice vary or withdraw a direction under this paragraph if the authorised member considers it appropriate to do so having regard to the costs and the balance of convenience referred to in sub-paragraph (2).

Publication of decisions about directions

9 (1) An authorised member of the CMA must—

(a) publish a decision on an application under paragraph 6 for a direction and the reasons for the decision;

(b) send a copy of the decision and reasons to the persons listed in sub-paragraph (4).

(2) Where paragraph 7 applies, the requirements of sub-paragraph (1) must be complied with before the end of the ten-week period referred to in that paragraph.

(3) An authorised member of the CMA must—

(a) publish any notice varying or withdrawing a direction under paragraph 8 and the reasons for the variation or withdrawal;

(b) send a copy of the notice and reasons to the persons listed in sub-paragraph (4).

(4) Those persons are—

(a) the holder of the licence that is the subject of the application or direction;

(b) if the application for the direction was made by someone other than the licence holder, the applicant;

(c) any other person with a qualifying interest in the decision that is the subject of the application or appeal;

(d) any owners or operators of aircraft that the authorised member considers appropriate;

(e) any owners or managers of prescribed aerodromes that the authorised member considers appropriate;

(f) the CAA.

Time limit for CAA to make representations

10 (1) This paragraph applies where the CAA wishes to make representations to the CMA in relation to an application under paragraph 6 for a direction.

(2) In a case to which paragraph 7 applies, the CAA must make the representations in writing before the end of the period of eight weeks beginning with the day on which the CAA published the decision notice.

(3) In any other case—

(a) an authorised member of the CMA must specify a reasonable period for making representations;
(b) the CAA must make the representations in writing before the end of that period.

(4) In all cases, the CAA must send a copy of its representations to—
(a) the holder of the licence that is the subject of the application;
(b) if the application was made by someone other than the licence holder, the applicant;
(c) any other person with a qualifying interest in the decision that is the subject of the application;
(d) any owners or operators of aircraft that the CAA considers appropriate;
(e) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

PART 4

DETERMINATION OF APPEALS

Determination of appeal by group

11 (1) A group constituted by the chair of the CMA, under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, for the purpose of carrying out functions of the CMA with respect to an appeal under section 19A must consist of three members of the CMA panel.

(2) A decision of the group is effective only if—
(a) all of the members are present when it is made, and
(b) at least two members of the group are in favour of the decision.

Representations made by the CAA

12 (1) This paragraph applies where an application for permission has been granted and the CAA makes representations to the CMA for the purposes of the appeal under section 19A.

(2) The CAA must send a copy of its representations to—
(a) the holder of the licence that is the subject of the appeal;
(b) if the appeal was brought by someone other than the licence holder, the appellant;
(c) any other person with a qualifying interest in the decision that is the subject of the appeal;
(d) any owners or operators of aircraft that the CAA considers appropriate;
(e) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

Matters that may be disregarded

13 (1) The CMA may disregard matters raised by the CAA if it thinks it necessary to do so for the purpose of securing that an appeal under section 19A is determined within the

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

period allowed under section 19D, unless they are matters contained in representations made to the CMA—

(a) in accordance with paragraph 10, or

(b) before the end of the period of 12 weeks beginning with the day on which the decision notice was published.

(2) The CMA may disregard matters raised by the appellant if it thinks it necessary to do so for the purpose of securing that an appeal under section 19A is determined within the period allowed under section 19D, unless the matters were raised by the appellant—

(a) at the time of the application under paragraph 1 for permission to appeal, or

(b) in an application under paragraph 6 for a direction.

(3) The CMA may disregard matters raised by an intervener if it thinks it necessary to do so for the purpose of securing that an appeal under section 19A is determined within the period allowed under section 19D, unless the matters were raised by the intervener—

(a) at the time of the application for permission to intervene under paragraph 4, or

(b) in an application under paragraph 6 for a direction.

Remitting decision to CAA

14 (1) This paragraph applies where the CMA decides to remit a matter that is the subject of an appeal under section 19A to the CAA for reconsideration and decision.

(2) Where, on reconsidering the matter, the CAA decides to modify a licence, the notice under section 11A(5) in respect of the modification may, with the agreement of the licence holder, specify a date falling—

(a) before the end of the period of six weeks beginning with the date on which the notice is published, but

(b) on or after the date on which the decision that was the subject of the appeal took effect or would have taken effect but for its suspension under this Schedule.

Substituting the CAA's decision

15 (1) This paragraph applies where the CMA decides to substitute its own decision for a decision of the CAA that is the subject of an appeal under section 19A.

(2) The decision of the CMA has effect as if made by the CAA except that—

(a) section 11A(5) does not apply;

(b) an appeal may not be brought against it under section 19A.

(3) Any modification of a licence effected by the CMA takes effect from the date specified by the CMA.

(4) The CMA may, with the agreement of the licence holder, specify a date falling—

(a) before the date on which the order containing its decision is published, but

(b) on or after the date on which the decision that was the subject of the appeal took effect or would have taken effect but for its suspension under this Schedule.

PART 5

GENERAL

Consideration of new matters

16 (1) This paragraph applies to—

(a) an authorised member of the CMA with the function of determining an application for permission to appeal under section 19A;

(b) a group with the function of determining an appeal under that section.

(2) The member or group must not have regard to any matter, information or evidence raised or provided by the CAA if it was not considered by the CAA in making the decision that is the subject of the application or the appeal, unless the member or group considers that—

(a) the CAA could not reasonably have been expected to consider the matter, information or evidence when making that decision, and

(b) the matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.

(3) The member or group must not have regard to any matter, information or evidence raised or provided by a person other than the CAA if it was not considered by the CAA in making the decision that is the subject of the application or appeal, unless the member or group considers that—

(a) the person or a relevant connected person could not reasonably have raised the matter with the CAA, or provided the information or evidence to the CAA, during the period in which the CAA was making that decision, and

(b) the matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.

(4) Where the member or group has regard to any matter, information or evidence in reliance on sub-paragraph (2) or (3), those sub-paragraphs do not prevent the member or group having regard to further matters, information or evidence raised or provided in response to it if the member or group considers that the further matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.

(5) In sub-paragraph (3) "relevant connected person", in relation to a person who raises or provides a matter, information or evidence, means a person who was connected to that person at any time during the period in which the CAA was making the decision that is the subject of the application or appeal.

(6) References in this paragraph to the period in which the CAA was making a decision are to the period—

(a) beginning with the publication of a notice under section 11A(1) proposing to make the modification, and

(b) ending with the publication of a notice under section 11A(5) in relation to that modification.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

Production of documents

17 (1) The CMA may by notice require a person to produce to it documents specified or described in the notice that are in the person's custody or under the person's control.

(2) In this paragraph "document" means anything in which information is recorded.

(3) The notice may require the production of documents—
- (a) at a time and place specified in the notice;
- (b) in a form and manner specified in the notice.

(4) The notice may not require a person to produce documents that the person could not be compelled to provide in evidence in civil proceedings before the High Court or, in Scotland, the Court of Session.

(5) A notice under this paragraph may be given on behalf of the CMA by an authorised member of the CMA.

Oral hearings

18 (1) For the purposes of this Schedule the following persons may hold an oral hearing and take evidence on oath—
- (a) an authorised member of the CMA considering an application under paragraph 1 for permission to appeal;
- (b) an authorised member of the CMA considering an application under paragraph 4 for permission to intervene;
- (c) an authorised member of the CMA considering an application under paragraph 6 for a direction;
- (d) a group with the function of determining an appeal under section 19A.

(2) In the course of holding such a hearing and taking such evidence, a person or group described in sub-paragraph (1) may administer oaths.

(3) An authorised member of the CMA may by notice require a person—
- (a) to attend at a time and place specified in the notice, and
- (b) at that time and place, to give evidence to a member or group described in sub-paragraph (1).

(4) At an oral hearing, the member or group conducting the hearing may require the following persons to give evidence or to make representations—
- (a) the applicant, the appellant or any intervener (if present);
- (b) a person attending a hearing as a representative of the applicant, the appellant, an intervener or the CAA.

(5) Subject to sub-paragraph (6), a person who gives oral evidence at the hearing may be cross-examined by or on behalf of—
- (a) the appellant;
- (b) an intervener;
- (c) the CAA.

(6) Such a person may be cross-examined by or on behalf of an intervener only with the leave of the member or group conducting the hearing.

(7) If the applicant, the appellant, an intervener or a representative of any such person or the CAA is not present at a hearing—
  (a) there is no requirement to give notice to that person under sub-paragraph (3);
  (b) the member or group conducting the hearing may determine the application or appeal without hearing that person's evidence or representations.

(8) A person may not be required under this paragraph to give evidence that the person could not be compelled to give in civil proceedings before the High Court or, in Scotland, the Court of Session.

(9) Where a person is required under this paragraph to attend at a place more than 16 kilometres from the person's place of residence, an authorised member of the CMA must arrange for the person to be paid the necessary expenses of attendance.

(10) A notice under this paragraph may be given on behalf of the CMA by an authorised member of the CMA.

Written evidence

19 (1) The CMA may by notice require a person to produce a written statement with respect to a matter specified in the notice—
  (a) to an authorised member of the CMA considering an application under paragraph 1 for permission to appeal;
  (b) to an authorised member of the CMA considering an application under paragraph 4 for permission to intervene;
  (c) to an authorised member of the CMA considering an application under paragraph 6 for a direction;
  (d) to a group with the function of determining an appeal under section 19A.

(2) The notice may require the written statement—
  (a) to be produced at the time and place specified in the notice;
  (b) to be verified by a statement of truth.

(3) Where a notice requires a written statement to be verified by a statement of truth, the written statement may be disregarded unless it is so verified.

(4) A person may not be required under this paragraph to produce a written statement about a matter if the person could not be compelled to give evidence about that matter in civil proceedings before the High Court or, in Scotland, the Court of Session.

(5) A notice under this paragraph may be given on behalf of the CMA by an authorised member of the CMA.

Expert advice

20 Where permission to appeal is granted under paragraph 2, the CMA may commission expert advice with respect to any matter raised by—
  (a) the appellant,
  (b) an intervener, or
  (c) the CAA.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

Enforcement of requirements in relation to evidence etc

21 (1) This paragraph applies where a person—

(a) fails to comply with a notice under paragraph 17, 18 or 19,

(b) fails to comply with any other requirement imposed under paragraph 17, 18 or 19,

(c) in complying with a notice under paragraph 19, makes a statement that is false or misleading in a material respect, or

(d) in providing information verified by a statement of truth required by appeal rules under paragraph 23, provides information that is false or misleading in a material respect.

(2) An authorised member of the CMA may certify to the appropriate court—

(a) the failure,

(b) the fact that the person has made a false or misleading statement in circumstances described in sub-paragraph (1)(c), or

(c) the fact that the person has provided false or misleading information in circumstances described in sub-paragraph (1)(d).

(3) The appropriate court may inquire into a certified failure or act and, if it does so, must hear—

(a) any witness against the person;

(b) any witness on behalf of the person;

(c) any statement in the person's defence.

(4) The appropriate court may punish the person as if the person had been guilty of contempt of court if it is satisfied that—

(a) the certified failure or act took place, and

(b) the person did not have a reasonable excuse for the failure or act.

(5) Where the person is a body corporate, the appropriate court may punish any director or other officer of that body, either instead or as well as punishing the body.

(6) In this paragraph—

"the appropriate court"—

(a) in relation to England and Wales and Northern Ireland, means the High Court;

(b) in relation to Scotland, means the Court of Session;

"director", in relation to a body corporate whose affairs are managed by its members, means a member of the body.

Withdrawal of applications and appeals

22 (1) An application under paragraph 1 for permission to appeal may be withdrawn only with the consent of the CMA.

(2) After an application for permission to appeal is granted, the appeal may be withdrawn only with the consent of the CMA.

(3) An application under paragraph 4 for permission to intervene may be withdrawn only with the consent of the CMA.

(4) After an application for permission to intervene is granted, the intervener may withdraw from the appeal only with the consent of the CMA.

(5) For the purposes of sub-paragraphs (1) to (4), the consent of the CMA may be given by an authorised member of the CMA.

(6) Where the CMA has consented, the person wishing to withdraw the application or appeal, or withdraw as an intervener, may give notice of withdrawal to the CMA.

(7) An application under paragraph 6 for a direction suspending the effect of a decision may be withdrawn at any time by giving notice of withdrawal to the CMA.

(8) Withdrawal of an application under this Schedule or of an appeal, or as an intervener in an appeal, has effect when the notice of withdrawal is given to the CMA.

(9) A person giving notice of withdrawal to the CMA must send a copy of the notice to the CAA.

(10) The CAA must—
- (a) publish the notice;
- (b) send a copy of it to the persons listed in sub-paragraph (11) (other than the person who gave the notice).

(11) Those persons are—
- (a) the holder of the licence that is the subject of the application or appeal;
- (b) any other person with a qualifying interest in the decision that is the subject of the application or appeal;
- (c) any owners or operators of aircraft that the CAA considers appropriate;
- (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

Appeal Rules

23 (1) The CMA Board may make rules regulating the conduct and disposal of appeals.

(2) The rules may include provision supplementing the provisions of this Schedule in relation to any application, notice, hearing or requirement for which this Schedule provides.

(3) The rules may, in particular, include—
- (a) provision requiring an application to be accompanied by information specified in the rules;
- (b) provision requiring such information to be verified by a statement of truth;
- (c) provision requiring an applicant to provide the CAA with information specified in the rules;
- (d) provision imposing time limits or other restrictions on the taking of evidence at an oral hearing;
- (e) provision imposing time limits or other restrictions on the making of representations or observations at such a hearing.

(4) The rules may make different provision for different purposes.

(5) Before making rules under this paragraph the CMA Board must consult any persons that it considers appropriate.

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(6) The CMA Board must publish the rules made under this paragraph.

Costs

24 (1) Where an application under this Schedule or an appeal is withdrawn, an authorised member of the CMA may make any order that the member thinks fit requiring the parties to the application or appeal to make payments to each other and to the CMA in respect of costs incurred in connection with the application or appeal.

(2) A group that determines an appeal must make an order requiring the payment to the CMA of the costs incurred by the CMA in connection with the appeal.

(3) Subject to sub-paragraph (4), an order under sub-paragraph (2) must require those costs to be paid—

(a) where the appeal is allowed in full, by the CAA;

(b) where the appeal is dismissed in full, by the appellant;

(c) where the appeal is allowed in part, by the appellant and the CAA in such proportions as the group considers appropriate.

(4) The order may require an intervener in the appeal to pay such proportion of those costs (if any) as the group considers appropriate.

(5) A group that determines an appeal may make any order that it thinks fit requiring one party to the appeal to make payments to another in respect of costs reasonably incurred by the other party in connection with the appeal.

(6) A person who is required to make a payment by an order under this paragraph must comply with the order before the end of the period of 28 days beginning with the day after the making of the order.

(7) If that person does not do so, the unpaid balance carries interest at a rate specified in the order or determined in accordance with it.

(8) In this paragraph, references to an intervener in an appeal, and to a party to an appeal, include a person who was granted permission to intervene in an appeal and subsequently withdrew from the appeal.

Secretary of State's power to modify time limits

25 The Secretary of State may by regulations modify any period of time specified in this Schedule.

Publication etc

26 Where the CAA, the CMA or an authorised member of the CMA is required by this Schedule to publish something or send a copy of something and this Schedule does not specify a time for doing so, it must be published or sent as soon as practicable.

Interpretation

27 (1) In this Schedule—

"appeal" means an appeal under section 19A;

"authorised member of the CMA" has the meaning given in sub-paragraph (2);

"CMA Board" and "CMA panel" have the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013;

"intervener", in relation to an appeal, means a person who has been granted permission to intervene in the appeal and who has not withdrawn from the appeal;

"prescribed aerodrome" has the meaning given in section 19A(3);

"statement of truth", in relation to the production of a statement or in relation to information provided by a person, means a statement that the person producing that statement or providing that information believes the facts contained in the statement or the information to be true.

(2) In this Schedule "authorised member of the CMA"—

(a) in relation to a power exercisable in connection with an appeal, application or direction in respect of which a group has been constituted by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, means a member of that group who has been authorised by the chair of the CMA to exercise that power; and

(b) in relation to a power exercisable in connection with an appeal, application or direction in respect of which a group has not been so constituted by the chair of the CMA, means—

(i) any member of the CMA Board who is also a member of the CMA panel, or

(ii) any member of the CMA panel authorised by the Secretary of State (whether generally or specifically) to exercise the power in question.

(3) For the purposes of this Schedule and sections 19D and 19E, a person has a qualifying interest in a decision that is the subject of an appeal or an application under this Schedule if—

(a) the person has been granted permission to appeal against the decision and has not withdrawn the appeal,

(b) the person has applied for permission to appeal against the decision and the application has not been withdrawn or refused,

(c) the person has been granted permission to intervene in an appeal against the decision and the appeal has not been withdrawn,

(d) the person has applied for permission to intervene in an appeal against the decision and the application has not been withdrawn or refused, or

(e) the person has applied for a direction under paragraph 6, the application has not been withdrawn or refused and any direction made in response to the application has not been withdrawn."

SCHEDULE 5

Section 10

NEW SCHEDULE B1 TO THE TRANSPORT ACT 2000

Commencement Information

I59 Sch. 5 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(h)**

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

This Schedule sets out the new Schedule B1 to the Transport Act 2000, to be inserted after Schedule A1 to that Act (inserted by section 9 above)—

"SCHEDULE B1 Section 20

ENFORCEMENT OF DUTIES UNDER SECTION 8 AND LICENCE CONDITIONS

PART 1

ENFORCEMENT

Contravention notices

1 (1) The CAA may give a notice under this paragraph (a "contravention notice") to a licence holder if it has reasonable grounds for believing that the licence holder is contravening, or has contravened, a Chapter 1 requirement.

(2) In this Schedule "Chapter 1 requirement", in relation to a licence holder, means—
(a) a duty imposed on the licence holder by section 8, or
(b) a licence condition of the licence holder's licence.

(3) A contravention notice must—
(a) specify the Chapter 1 requirement and contravention in respect of which it is given;
(b) explain the action that the CAA may take under this Schedule in connection with the contravention;
(c) explain that representations may be made about the matters in the notice before the end of the period specified in the notice.

(4) The CAA must specify a period of not less than 30 days beginning with the day on which the contravention notice is given, subject to sub-paragraph (5).

(5) The CAA may specify a shorter period in a contravention notice given in respect of a repeated contravention.

(6) A contravention notice is given to a licence holder in respect of a repeated contravention if, in the period of two years ending with the day on which the notice is given, the CAA did one or more of the following in respect of a contravention by the licence holder of the same Chapter 1 requirement—
(a) gave the licence holder a contravention notice;
(b) gave the licence holder an enforcement order;
(c) gave the licence holder an urgent enforcement order;
(d) imposed a penalty on the licence holder under paragraph 9 or 10.

(7) The CAA may extend the period specified in a contravention notice given to a licence holder on one or more occasions by giving a notice to that licence holder.

(8) The CAA may withdraw a contravention notice given to a licence holder at any time by giving a notice to the licence holder that includes its reasons for doing so.

(9) As soon as practicable after giving a notice under sub-paragraph (1), (7) or (8), the CAA must—

(a) publish the notice;

(b) send a copy of the notice to—

(i) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;

(ii) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;

(iii) the Secretary of State.

(10) A contravention notice given in respect of a contravention that is or was a continuing contravention must specify the period of contravention in respect of which it is given.

(11) In this Schedule "representation period", in relation to a contravention notice, means—

(a) the period specified in the contravention notice for making representations;

(b) where the period has been extended in accordance with sub-paragraph (7), the extended period.

Restrictions on giving contravention notices

2 (1) If the CAA gives a licence holder a contravention notice or an urgent enforcement order (see paragraph 5) in respect of a contravention, it may not subsequently give the licence holder a contravention notice in respect of the same contravention.

(2) Sub-paragraph (1) does not apply if—

(a) the CAA withdraws the first contravention notice without imposing a penalty on the person under paragraph 9, or

(b) the CAA revokes the urgent enforcement order without imposing a penalty on the licence holder under paragraph 10.

(3) Sub-paragraph (1) does not prevent the CAA giving a licence holder more than one contravention notice, or a contravention notice and urgent enforcement order, in respect of—

(a) contraventions of the same Chapter 1 requirement in different ways, or

(b) contraventions of the same Chapter 1 requirement at different times or during different periods.

Enforcement order

3 (1) The CAA may give an order under this paragraph (an "enforcement order") to a licence holder if—

(a) it has given the licence holder a contravention notice (and has not withdrawn it),

(b) the representation period has ended,

(c) it has considered any representations made about the matters in the contravention notice before the end of that period (and not withdrawn), and

(d) sub-paragraph (2) or (3) is satisfied.

(2) This sub-paragraph is satisfied if the CAA has determined that the licence holder is contravening a Chapter 1 requirement specified in the contravention notice in one or more of the ways specified in the notice.

(3) This sub-paragraph is satisfied if the CAA has determined that the licence holder—

(a) has contravened a Chapter 1 requirement specified in the contravention notice in one or more of the ways specified in the notice, and

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(b) did not, before the end of the representation period, take all of the appropriate steps mentioned in sub-paragraph (6)(b).

(4) An enforcement order must—
(a) specify the Chapter 1 requirement and contravention in respect of which it is given;
(b) require the licence holder to take any appropriate steps that are specified in the order;
(c) specify a reasonable period within which the steps must be taken;
(d) give the CAA's reasons for giving the order.

(5) As soon as practicable after giving an enforcement order, the CAA must—
(a) publish the order;
(b) send a copy of the order to—
(i) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
(ii) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
(iii) the Secretary of State.

(6) In this paragraph "appropriate steps", in relation to a contravention of a Chapter 1 requirement, means steps that the CAA has determined are appropriate—
(a) for complying with the requirement, and
(b) for remedying the consequences of the contravention.

Enforcement order: modification and revocation

4 (1) The CAA may—
(a) modify an enforcement order with the agreement of the licence holder to whom it was given, or
(b) revoke an enforcement order.

(2) Before modifying or revoking the order, the CAA must—
(a) publish a notice in relation to the proposed modification or revocation;
(b) send a copy of the notice to the licence holder to whom the order was given;
(c) consider any representations made about the proposal in the period specified in the notice (and not withdrawn).

(3) The notice under sub-paragraph (2) must—
(a) state that the CAA proposes to modify or revoke the order;
(b) specify the proposed modification (if relevant);
(c) give the CAA's reasons for the modification or revocation;
(d) specify a reasonable period for making representations.

(4) As soon as practicable after modifying or revoking an enforcement order, the CAA must—
(a) publish a notice giving details of the modification or revocation;
(b) send a copy of the notice to the persons listed in sub-paragraph (5).

(5) The persons are—
(a) the licence holder to whom the enforcement order was given;

(b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;

(c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;

(d) the Secretary of State.

Urgent enforcement order

5 (1) The CAA may give an order under this paragraph (an "urgent enforcement order") to a licence holder if sub-paragraph (2) or (3) is satisfied.

(2) This sub-paragraph is satisfied if the CAA has reasonable grounds for believing that—

(a) the licence holder is contravening, or has contravened, a Chapter 1 requirement,

(b) the contravention has resulted in, or creates an immediate risk of, a serious economic or operational problem—

(i) for owners or operators of aircraft, or

(ii) for owners or managers of aerodromes, and

(c) it is appropriate to give an urgent enforcement order to prevent, remove or reduce that problem or risk.

(3) This sub-paragraph is satisfied if the CAA has reasonable grounds for believing that—

(a) the licence holder is likely to contravene a Chapter 1 requirement,

(b) the contravention is likely to result in, or create an immediate risk of, a problem described in sub-paragraph (2)(b), and

(c) it is appropriate to give the urgent enforcement order to prevent, or reduce the likelihood of, that problem or risk arising.

(4) An urgent enforcement order must—

(a) specify the Chapter 1 requirement and the contravention in respect of which it is given;

(b) require the licence holder to take any appropriate steps that are specified in the order;

(c) specify a reasonable period within which the steps must be taken;

(d) give the CAA's reasons for giving the order.

(5) As soon as practicable after giving an urgent enforcement order, the CAA must—

(a) publish the order;

(b) send a copy of the order to—

(i) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;

(ii) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;

(iii) the Secretary of State.

(6) In this paragraph "appropriate steps"—

(a) in relation to a contravention of a Chapter 1 requirement that has occurred or is occurring, means steps that the CAA has determined are appropriate—

(i) for complying with the requirement, and

(ii) for remedying the consequences of the contravention;

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(b) in relation to a contravention of a Chapter 1 requirement that is likely to occur, means steps that the CAA has determined are appropriate for securing that the contravention does not occur.

Urgent enforcement order: confirmation

6 (1) As soon as practicable after giving an urgent enforcement order, the CAA must—
(a) confirm the order, or
(b) revoke the order (see paragraph 7).

(2) The CAA may confirm an urgent enforcement order with or without modifications.

(3) The CAA may confirm an urgent enforcement order given in reliance on paragraph 5(2) only if it has determined that—
(a) the licence holder is contravening, or has contravened, a Chapter 1 requirement specified in the order in one or more of the ways specified in the order,
(b) the contravention has resulted in, or creates an immediate risk of, a problem described in paragraph 5(2)(b), and
(c) it is appropriate to confirm the urgent enforcement order, with any modifications, to prevent, remove or reduce that problem or risk.

(4) The CAA may confirm an urgent enforcement order given in reliance on paragraph 5(3) only if—
(a) it has determined that paragraphs (a) to (c) of sub-paragraph (3) of this paragraph are satisfied, or
(b) it has determined that—
(i) the licence holder is likely to contravene a Chapter 1 requirement specified in the order in one or more of the ways specified in the order,
(ii) the contravention is likely to result in, or create an immediate risk of, a problem described in paragraph 5(2)(b), and
(iii) it is appropriate to confirm the urgent enforcement order, with any modifications, in order to prevent, or reduce the likelihood of, that problem or risk arising.

(5) Before confirming an urgent enforcement order, the CAA must—
(a) publish a notice in relation to the proposal to confirm the order;
(b) send a copy of the notice to the licence holder to whom the order was given;
(c) consider any representations made about the proposal in the period specified in the notice (and not withdrawn).

(6) The notice under sub-paragraph (5) must—
(a) state that the CAA proposes to confirm the order;
(b) specify any proposed modifications of the order;
(c) give the CAA's reasons for confirming the order and for any modifications;
(d) specify a reasonable period for making representations.

(7) As soon as practicable after confirming an urgent enforcement order, the CAA must—
(a) publish a notice giving details of the confirmation, including any modifications of the order;
(b) send a copy of the notice to the persons listed in sub-paragraph (8).

(8) Those persons are—

(a) the licence holder to whom the urgent enforcement order was given;
(b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
(c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
(d) the Secretary of State.

Urgent enforcement order: modification and revocation

7 (1) The CAA may—
(a) modify an urgent enforcement order with the agreement of the licence holder to whom it was given, or
(b) revoke an urgent enforcement order.

(2) Before modifying or revoking the order, the CAA must—
(a) publish a notice in relation to the proposed modification or revocation;
(b) send a copy of the notice to the licence holder;
(c) consider any representations made about the proposal in the period specified in the notice (and not withdrawn).

(3) The notice under sub-paragraph (2) must—
(a) state that the CAA proposes to modify or revoke the order;
(b) specify the proposed modification (if relevant);
(c) give the CAA's reasons for the modification or revocation;
(d) specify a reasonable period for making representations.

(4) As soon as practicable after modifying or revoking an urgent enforcement order, the CAA must—
(a) publish a notice giving details of the modification or revocation;
(b) send a copy of the notice to the persons listed in sub-paragraph (5).

(5) Those persons are—
(a) the licence holder to whom the urgent enforcement order was given;
(b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
(c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
(d) the Secretary of State.

(6) Nothing in this paragraph restricts, or applies in relation to the exercise of, the CAA's power under paragraph 6 to modify an urgent enforcement order when confirming the order.

Civil proceedings

8 (1) A licence holder who is given an enforcement order must comply with it (unless it is revoked).

(2) The obligation to comply with an enforcement order is a duty owed to every person who may be affected by a contravention of a requirement of the order.

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(3) A licence holder who is given an urgent enforcement order must comply with it, whether or not it has been confirmed (unless it is revoked).

(4) The obligation to comply with an urgent enforcement order that has been confirmed is a duty owed to every person who may be affected by a contravention of a requirement of the order.

(5) Where a duty is owed to a person under sub-paragraph (2) or (4), the following are actionable by the person—
- (a) a breach of the duty that causes the person to sustain loss or damage;
- (b) an act that—
  - (i) by inducing a breach of the duty or interfering with its performance, causes that person to sustain loss or damage, and
  - (ii) is done entirely or partly for achieving that result.

(6) In proceedings brought against a licence holder by virtue of sub-paragraph (5), it is a defence for the licence holder to show that it took all reasonable steps and exercised all due diligence to avoid contravening the requirements of the order.

(7) The CAA may enforce the duties under sub-paragraphs (1) and (3)—
- (a) in civil proceedings for an injunction,
- (b) in civil proceedings in Scotland for an interdict or for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
- (c) in civil proceedings for any other appropriate remedy or relief.

(8) Enforcement of a duty under sub-paragraph (1) or (3) by the CAA does not prejudice any rights a person may have by virtue of sub-paragraph (5).

Penalty for contravention of Chapter 1 requirement

9 (1) The CAA may impose a penalty on a licence holder if—
- (a) it has given the licence holder a contravention notice (and has not withdrawn it),
- (b) the representation period has ended,
- (c) it has considered any representations made about the matters in the contravention notice before the end of that period (and not withdrawn), and
- (d) it has determined that the licence holder is contravening, or has contravened, a Chapter 1 requirement specified in the notice in one or more of the ways specified in the notice.

(2) If the contravention notice specifies more than one contravention, the CAA may impose a separate penalty under this paragraph for each contravention.

(3) If the contravention notice specifies more than one period of contravention, the CAA may impose a separate penalty under this paragraph for each period.

Penalty for contravention of order

10 The CAA may impose a penalty on a licence holder if it has determined that the licence holder is contravening, or has contravened, a requirement of—
- (a) an enforcement order, or
- (b) an urgent enforcement order that has been confirmed.

Procedure before imposing penalty

11 (1) Before imposing a penalty on a licence holder under paragraph 9 or 10 the CAA must—
- (a) give the licence holder a notice about the proposed penalty;
- (b) publish the notice as soon as practicable;
- (c) send a copy of the notice to the persons listed in sub-paragraph (3);
- (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).

(2) A notice under sub-paragraph (1) must—
- (a) state that the CAA proposes to impose a penalty;
- (b) state the proposed amount of the penalty;
- (c) specify the requirement that the CAA has determined is being or has been contravened;
- (d) specify the act or omission that the CAA has determined constitutes a contravention of the requirement;
- (e) where the penalty would be imposed under paragraph 10, specify the Chapter 1 requirement in respect of which the enforcement order or urgent enforcement order (as the case may be) was given.

(3) The persons are—
- (a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
- (b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
- (c) the Secretary of State.

(4) In the case of a penalty calculated entirely or partly by reference to a daily amount (see paragraph 13(2)), a notice must specify—
- (a) the day on which daily amounts would begin to accumulate;
- (b) the day on which, or the circumstances in which, they would cease to accumulate.

(5) The period specified in a notice under sub-paragraph (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the licence holder.

(6) Before varying the proposed amount of a penalty, the CAA must—
- (a) give the licence holder on whom the penalty is to be imposed a notice about the proposed variation;
- (b) publish the notice as soon as practicable;
- (c) send a copy of the notice to the persons listed in sub-paragraph (3);
- (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).

(7) In the case of a penalty calculated entirely or partly by reference to a daily amount (see paragraph 13(2)), the reference in sub-paragraph (6) to varying the proposed amount includes—
- (a) varying the day on which daily amounts would begin to accumulate;
- (b) varying the day on which, or the circumstances in which, they would cease to accumulate.

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(8) The notice under sub-paragraph (6) must—
- (a) specify the proposed variation;
- (b) give the CAA's reasons for the proposed variation.

(9) The period specified in a notice under sub-paragraph (6) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the licence holder.

(10) The CAA may withdraw a notice under sub-paragraph (1) or (6) at any time by giving notice to the licence holder on whom it proposed to impose the penalty.

(11) As soon as practicable after giving a notice under sub-paragraph (10), the CAA must—
- (a) publish the notice;
- (b) send a copy of the notice to the persons listed in sub-paragraph (3).

Procedure after imposing a penalty

12 (1) As soon as practicable after imposing a penalty under paragraph 9 or 10 the CAA must—
- (a) give a notice to the licence holder on whom the penalty is imposed;
- (b) publish the notice;
- (c) send a copy of the notice to the persons listed in sub-paragraph (3).

(2) The notice must—
- (a) state that the CAA has imposed a penalty;
- (b) state the amount of the penalty;
- (c) specify the requirement that the CAA has determined is being or has been contravened;
- (d) specify the act or omission that the CAA has determined constitutes a contravention of the requirement;
- (e) where the penalty is imposed under paragraph 10, specify the Chapter 1 requirement in respect of which the enforcement order or urgent enforcement order (as the case may be) was given;
- (f) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.

(3) The persons are—
- (a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
- (b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
- (c) the Secretary of State.

(4) In the case of a penalty calculated entirely or partly by reference to a daily amount (see paragraph 13(2)), the notice must specify—
- (a) the day on which the daily amounts begin to accumulate;
- (b) the day on which, or the circumstances in which, they cease to accumulate.

(5) As soon as practicable after daily amounts cease to accumulate, the CAA must—
- (a) give a notice to the licence holder on whom the penalty was imposed confirming the day on which they ceased to accumulate;

(b) publish the notice;

(c) send a copy of the notice to the persons listed in sub-paragraph (3).

Amount of penalty

13 (1) The amount of a penalty imposed on a person under paragraph 9 or 10 must be the amount that the CAA determines to be—

(a) appropriate, and

(b) proportionate to the contravention for which it is imposed.

(2) The penalty may consist of either or both of the following—

(a) a fixed amount (see paragraph 14);

(b) a daily amount (see paragraph 15).

(3) In determining the amount of a penalty, the CAA must have regard, in particular, to—

(a) any representations made to it in a period specified in a notice proposing to give a penalty under paragraph 11(1) or (6) (and not withdrawn);

(b) any steps taken by the licence holder on whom the penalty is to be imposed towards complying with—

(i) the requirement specified in the notice under paragraph 11(1) by virtue of paragraph 11(2)(c), and

(ii) where the penalty is to be imposed under paragraph 10, the Chapter 1 requirement specified in the notice under paragraph 11(1) by virtue of paragraph 11(2)(e);

(c) any steps taken by that licence holder towards remedying the consequences of the contravention of the requirement mentioned in paragraph (b)(i) and, where relevant, paragraph (b)(ii).

Amount of penalty: fixed amount

14 (1) A penalty imposed on a licence holder under paragraph 9 or 10 for a contravention may not consist of or include a fixed amount exceeding 10% of the licence holder's qualifying turnover for the qualifying period.

(2) A licence holder's qualifying turnover is the licence holder's turnover from its provision of air traffic services.

(3) The qualifying period is the last regulatory year ending on or before the day on which the notice proposing the penalty is given under paragraph 11(1) ("the notice day"), except in the cases described in sub-paragraph (4).

(4) Those cases are—

(a) where a licence holder was not authorised to provide air traffic services in respect of a managed area throughout the last regulatory year that ends on or before the notice day;

(b) where there is no regulatory year or the last regulatory year ended more than 12 months before the notice day;

(c) where a licence holder has not provided the CAA with accounts prepared in accordance with the licence for the last regulatory year that ends on or before the notice day.

(5) In those cases—

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(a) if the licence holder was authorised to provide air traffic services in respect of a managed area on the notice day, the qualifying period is the year ending with the notice day (or, if shorter, the period ending with the notice day during which the licence holder was authorised to provide such services in respect of such an area);

(b) otherwise, the qualifying period is the year ending with the last day before the notice day on which the licence holder was authorised to provide air traffic services in respect of a managed area (or, if shorter, the period ending with the last day before the notice day during which the licence holder was authorised to provide such services in respect of such an area).

(6) A licence holder's qualifying turnover for a qualifying period is to be taken to be the qualifying turnover for that period as reported in accounts that the licence holder is required to prepare by a licence condition, unless regulations under sub-paragraph (7) provide otherwise.

(7) The Secretary of State may by regulations—

(a) amend or otherwise modify the definition of qualifying turnover;

(b) make provision about how a licence holder's qualifying turnover for a qualifying period is to be calculated.

(8) The regulations may in particular—

(a) make provision about cases in which turnover is or is not to be treated as qualifying turnover for a qualifying period;

(b) provide that a licence holder's qualifying turnover for a qualifying period is to be taken to be the qualifying turnover reported in accounts specified or described in the regulations;

(c) provide that a licence holder's qualifying turnover is to be calculated entirely or partly using accounting rules specified or described in the regulations.

(9) In this paragraph "regulatory year", in relation to a licence holder, means a year for which the licence holder was required to prepare accounts by a licence condition for air traffic services provided in respect of a managed area.

Amount of penalty: daily amount

15 (1) In relation to a penalty under paragraph 9 or 10, a daily amount is an amount payable where the contravention in respect of which the penalty is imposed continues after it is imposed.

(2) A penalty under paragraph 9 may not consist of or include a daily amount unless that contravention has been continuous since the end of the representation period for the contravention notice in which the contravention was specified.

(3) A daily amount must not exceed 0.1% of the licence holder's qualifying turnover for the qualifying period.

(4) A daily amount is payable in respect of each day in a period specified by the CAA in the notice under paragraph 12 stating that it has imposed the penalty.

(5) A specified period during which daily amounts accumulate must be the period that the CAA considers appropriate, subject to sub-paragraphs (6) and (7).

(6) The period must begin after the day on which the CAA gives the notice under paragraph 12.

(7) The period must end before—
  (a) the day on which the contravention specified in the notice under paragraph 12 ceases, or
  (b) if more than one contravention is specified in that notice, the day on which the last of those contraventions ceases.

(8) In this paragraph "qualifying turnover" and "qualifying period" have the same meaning as in paragraph 14.

Use of powers under Competition Act 1998

16 (1) Before exercising a power listed in sub-paragraph (3), the CAA must consider whether it would be more appropriate to proceed under the Competition Act 1998.

(2) The CAA must not exercise such a power to the extent that it considers it would be more appropriate to proceed under that Act.

(3) Those powers are—
  (a) the power to give a contravention notice under paragraph 1;
  (b) the power to give an enforcement order under paragraph 3;
  (c) the power to give and confirm an urgent enforcement order under paragraphs 5 and 6;
  (d) the power to impose penalties under paragraphs 9 and 10.

PART 2

APPEALS AGAINST ORDERS AND PENALTIES

Appeals against enforcement orders and urgent enforcement orders

17 (1) A licence holder may appeal to the Competition Appeal Tribunal (referred to in this Schedule as "the Tribunal") against—
  (a) an enforcement order given to the licence holder, or
  (b) an urgent enforcement order given to the licence holder that has been confirmed.

(2) The appeal may be against one or more of the following—
  (a) the decision to give the order or, in the case of an urgent enforcement order, to confirm the order;
  (b) the decision as to the steps specified in the order;
  (c) the decision as to the period allowed for taking those steps.

(3) The making of an appeal under this paragraph against an enforcement order suspends the effect of the order until the appeal is decided or withdrawn, unless the Tribunal orders otherwise.

(4) The making of an appeal under this paragraph against an urgent enforcement order does not suspend the effect of the order, unless the Tribunal orders otherwise.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

Appeals against modifications or revocations of existing orders

18 (1) A person may appeal to the Tribunal against—
(a) a decision to modify or revoke an enforcement order, or
(b) a decision to modify or revoke an urgent enforcement order that has been confirmed.

(2) An appeal under this paragraph may be made only by a person—
(a) who is not the person to whom the order was given, but
(b) who appears to the Tribunal to have sufficient interest in the decision.

(3) The making of an appeal under this paragraph against a modification or revocation of an order suspends the modification or revocation until the appeal is decided or withdrawn, unless the Tribunal orders otherwise.

Appeals against penalties

19 (1) A licence holder may appeal to the Tribunal against a penalty imposed on the licence holder under paragraph 9 or 10.

(2) The appeal may be against one or more of the following—
(a) the decision to impose the penalty;
(b) the decision as to the amount of the penalty;
(c) in the case of a penalty calculated entirely or partly by reference to a daily amount, the decision as to the period during which the daily amounts accumulate;
(d) the decision as to the period allowed for payment of the penalty.

(3) Where a licence holder appeals under this paragraph against a penalty, the CAA may not require the licence holder to pay the penalty until the appeal is decided or withdrawn.

Decisions on appeal

20 (1) The Tribunal may allow an appeal under paragraph 17, 18 or 19 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—
(a) that the decision was based on an error of fact;
(b) that the decision was wrong in law;
(c) that an error was made in the exercise of a discretion.

(2) It may—
(a) confirm or set aside the order, modification, revocation or penalty;
(b) give the CAA any directions it considers appropriate, including directions about the time within which the CAA must act.

(3) It may not direct the CAA to do anything that the CAA would not have the power to do apart from the direction.

(4) When deciding an appeal under paragraph 17, 18 or 19 (including giving directions) the Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 2.

Further appeals

21 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Tribunal under paragraph 20, including a direction.

(2) An appeal under this paragraph may be brought by a party to the proceedings before the Tribunal.

(3) An appeal may not be brought without the permission of—

(a) the Tribunal, or

(b) the appropriate court.

(4) "The appropriate court"—

(a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, means the Court of Appeal;

(b) in the case of an appeal from proceedings in Scotland, means the Court of Session.

PART 3

INTERPRETATION

22 References in this Schedule to remedying the consequences of a contravention of a Chapter 1 requirement, or a requirement of an enforcement order or an urgent enforcement order, include paying an amount to a person—

(a) by way of compensation for loss or damage suffered by the person, or

(b) in respect of annoyance, inconvenience or anxiety suffered by the person."

SCHEDULE 6

Section 10

NEW SCHEDULE C1 TO THE TRANSPORT ACT 2000

Commencement Information

I60 Sch. 6 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(i)**

This Schedule sets out the new Schedule C1 to the Transport Act 2000, to be inserted after Schedule B1 to that Act (inserted by section 10 above)—

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

"SCHEDULE C1

Section 25

INFORMATION

PART 1

POWER TO OBTAIN INFORMATION

Power to obtain information

1 (1) The CAA may by notice require a person to provide—
(a) information, or
(b) a document that is in the person's custody or under the person's control.

(2) In this Schedule "document" means anything in which information is recorded.

(3) The CAA may give a notice under this paragraph only in respect of information or documents that it reasonably requires for the purpose of carrying out its functions under section 34 or Schedule B1.

(4) The notice may require the information or document to be provided—
(a) at a time and place specified in the notice;
(b) in a form and manner specified in the notice.

(5) The notice may not require a person to provide information or documents that the person could not be compelled to provide in evidence in civil proceedings before the High Court or, in Scotland, the Court of Session.

PART 2

ENFORCEMENT: INFORMATION

Enforcement of information notice

2 (1) If a person fails to comply with a notice under paragraph 1 without reasonable excuse, the CAA may do either or both of the following—
(a) impose a penalty on the person;
(b) enforce the duty to comply with the notice in civil proceedings for an injunction or, in Scotland, for specific performance of a statutory duty under section 45 of the Court of Session Act 1988.

(2) The amount of the penalty must be the amount that the CAA determines to be—
(a) appropriate, and
(b) proportionate to the failure in respect of which it is imposed.

(3) A penalty may consist of either or both of the following—
(a) a fixed amount;
(b) an amount payable in respect of each day in a period specified by the CAA (a "daily amount").

(4) A fixed amount must not exceed £2,000,000.

(5) A daily amount must not exceed £100,000.

(6) A specified period during which daily amounts accumulate must be the period that the CAA considers appropriate, subject to sub-paragraphs (7) and (8).

(7) The period must begin after the day on which the CAA gives the notice under paragraph 6 stating that it has imposed the penalty.

(8) The period must end before the day on which the person provides the information or documents specified in the notice under paragraph 1.

(9) The Secretary of State may by regulations replace the amount for the time being specified in sub-paragraph (4) or (5).

Penalty for providing false information

3 (1) The CAA may impose a penalty of a fixed amount on a person where it is satisfied beyond reasonable doubt that the person, in giving information to the CAA, has committed an offence under section 101 (making of false statements etc).

(2) Where a penalty is imposed on a person under this paragraph by the CAA, that person may not at any time be convicted of the offence under section 101 in respect of the act or omission giving rise to the penalty.

(3) The amount of a penalty imposed on a person under this paragraph must be the amount that the CAA determines to be—

(a) appropriate, and

(b) proportionate to the action in respect of which it is imposed,

but subject to a maximum of £2,000,000.

Penalty for destroying documents etc.

4 (1) The CAA may impose a penalty of a fixed amount on a person if the person intentionally alters, suppresses or destroys a document that the person is required to produce by a notice under paragraph 1.

(2) The reference in sub-paragraph (1) to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in a legible format.

(3) The amount of a penalty imposed on a person under this paragraph must be the amount that the CAA determines to be—

(a) appropriate, and

(b) proportionate to the action in respect of which it is imposed,

but subject to a maximum of £2,000,000.

Procedure before imposing a penalty

5 (1) Before imposing a penalty on a person under paragraph 2, 3 or 4, the CAA must—

(a) give the person a notice about the proposed penalty;

(b) publish the notice as soon as practicable;

(c) send a copy of the notice to the persons listed in sub-paragraph (4);

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).

(2) The notice under sub-paragraph (1) must—
(a) state that the CAA proposes to impose a penalty;
(b) state the proposed amount of the penalty;
(c) give the CAA's reasons for imposing the penalty.

(3) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the notice under sub-paragraph (1) must specify—
(a) the day on which daily amounts would begin to accumulate;
(b) the day on which, or the circumstances in which, they would cease to accumulate.

(4) The persons are—
(a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
(b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
(c) the Secretary of State.

(5) The period specified in the notice under sub-paragraph (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.

(6) Before varying the proposed amount of a penalty, the CAA must—
(a) give the person on whom the penalty is to be imposed a notice about the proposed variation;
(b) publish the notice as soon as practicable;
(c) send a copy of the notice to the persons listed in sub-paragraph (4);
(d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).

(7) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the reference in sub-paragraph (6) to varying the proposed amount of the penalty includes a reference to—
(a) varying the day on which daily amounts would begin to accumulate, and
(b) varying the day on which, or circumstances in which, they would cease to accumulate.

(8) The notice under sub-paragraph (6) must—
(a) specify the proposed variation;
(b) give the CAA's reasons for the proposed variation.

(9) The period specified in the notice under sub-paragraph (6) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.

(10) The CAA may withdraw a notice under sub-paragraph (1) or (6) at any time by giving notice to the person on whom it is proposed to impose the penalty.

(11) As soon as practicable after giving a notice under sub-paragraph (10), the CAA must—
(a) publish the notice;

(b) send a copy of the notice to the persons listed in sub-paragraph (4).

Procedure after imposing penalty

6 (1) As soon as practicable after imposing a penalty on a person under paragraph 2, 3 or 4, the CAA must—
(a) give a notice to the person on whom the penalty is imposed;
(b) publish the notice;
(c) send a copy of the notice to the persons listed in sub-paragraph (4).

(2) The notice must—
(a) state that the CAA has imposed the penalty;
(b) state the amount of the penalty;
(c) give the CAA's reasons for imposing the penalty;
(d) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.

(3) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the notice must specify—
(a) the day on which the daily amounts begin to accumulate;
(b) the day on which, or circumstances in which, they cease to accumulate.

(4) The persons are—
(a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
(b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
(c) the Secretary of State.

(5) As soon as practicable after daily amounts cease to accumulate, the CAA must—
(a) give a notice to the person on whom the penalty was imposed confirming the day on which they ceased to accumulate;
(b) send a copy of the notice to the persons listed in sub-paragraph (4).

PART 3

APPEALS AGAINST PENALTIES: INFORMATION

Appeals against penalties

7 (1) A person may appeal to the Competition Appeal Tribunal against a penalty imposed on the person under paragraph 2, 3 or 4.

(2) The appeal may be against one or more of the following—
(a) a decision to impose a penalty;
(b) a decision as to the amount of the penalty;
(c) in the case of a penalty calculated entirely or partly by reference to a daily amount, a decision as to the period during which daily amounts accumulate;
(d) a decision as to the period allowed for payment of the penalty.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(3) Where a person appeals under this paragraph against a penalty, the CAA may not require the person to pay the penalty until the appeal is decided or withdrawn.

(4) In any appeal where the commission of an offence under section 101 is an issue requiring determination, the CAA must prove that offence according to the same burden and standard of proof as in a criminal prosecution.

Decisions on appeal

8 (1) The Competition Appeal Tribunal may allow an appeal under paragraph 7 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law;

(c) that an error was made in the exercise of a discretion.

(2) It may—

(a) confirm or set aside the penalty;

(b) give the CAA any directions that it considers appropriate, including directions about the time within which the CAA must act.

(3) It may not direct the CAA to do anything that the CAA would not have the power to do apart from the direction.

(4) When deciding an appeal under paragraph 7 (including giving directions), the Competition Appeal Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 2.

Further appeals

9 (1) An appeal lies to the appropriate court on a point of law arising from a decision of the Competition Appeal Tribunal under paragraph 8, including a direction.

(2) An appeal under this paragraph may be brought by a party to the proceedings before the Competition Appeal Tribunal.

(3) An appeal may not be brought under this paragraph without the permission of—

(a) the Competition Appeal Tribunal, or

(b) the appropriate court.

(4) "The appropriate court"—

(a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, means the Court of Appeal;

(b) in the case of an appeal from proceedings in Scotland, means the Court of Session."

SCHEDULE 7

Section 11

AIR TRAFFIC SERVICES: CONSEQUENTIAL AMENDMENTS

Transport Act 2000 (c.38)

1 (1) Section 7 of the Transport Act 2000 (licences: provisions) is amended as follows.

(2) Omit subsection (5).

(3) After subsection (6) insert—

"(6A) A licence condition may include provision for its modification only if it specifies or describes—

(a) the circumstances in which it may be modified,

(b) the types of modification that may be made, and

(c) the period or periods in which it may be modified.

(6B) If a licence condition includes such a provision, it may be modified in accordance with that provision or in accordance with the provision made by this Chapter about modifying licence conditions.

(6C) A term of a licence may be modified only in accordance with the provision made by this Chapter about modifying terms of a licence."

Commencement Information

I61 Sch. 7 para. 1 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

2 (1) Section 10 of that Act (breach of duties or conditions) is amended as follows.

(2) In subsection (1), in paragraph (b), for "condition of a licence" substitute " licence condition ".

(3) In subsection (2), for paragraph (b) substitute—

"(b) the power to give a contravention notice;

(c) the power to give an enforcement order or an urgent enforcement order, a duty to comply with the order and a power to bring proceedings in respect of the duty;

(d) the power to impose a penalty under paragraph 9 or 10 of Schedule B1."

Commencement Information

I62 Sch. 7 para. 2 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

3 In section 19 of that Act (modification by order under other enactments), in subsection (1), for "conditions of a licence" substitute " licence conditions ".

Commencement Information

I63 Sch. 7 para. 3 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

4 (1) Section 28 of that Act (power to make air traffic administration order) is amended as follows.

(2) In subsection (4), for paragraph (b) substitute—

"(b) no notice of withdrawal or revocation has been given under paragraph 1(8), 4(2) or 7(2) of Schedule B1 in relation to the contravention or apprehended contravention, and".

(3) In subsection (5)—

(a) in paragraph (a), for "a final or provisional order" substitute " an enforcement order or an urgent enforcement order ";

(b) in paragraph (b), for "proceedings under section 23" substitute " an appeal under section 19A ".

(4) For subsection (7) substitute—

"(7) In subsections (4) and (5)—

"section 8 duty" means a duty imposed on a licence holder by section 8;

"licence condition" means a condition of a licence holder's licence."

Commencement Information

I64 Sch. 7 para. 4 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

5 In section 30 of that Act (petitions and orders: supplementary), in subsection (3)(b), for "section 20 above" substitute " Schedule B1 to this Act ".

Commencement Information

I65 Sch. 7 para. 5 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

6 (1) Section 35 of that Act (register) is amended as follows.

(2) In subsection (3), in paragraph (c), for "the conditions of a licence" substitute " licence conditions ".

(3) In that subsection, for paragraph (g) substitute—

"(g) the terms of every contravention notice;

(h) the terms of every withdrawal of a contravention notice;

(i) the terms of every enforcement order;

(j) the terms of every urgent enforcement order that has been confirmed;

(k) the terms of every modification or revocation of an enforcement order or urgent enforcement order."

Commencement Information

I66 Sch. 7 para. 6 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

7 (1) Section 40 of that Act (interpretation) is amended as follows.

(2) In subsection (1), after paragraph (a) insert—

"(aa) air transport service;

(ab) the CMA;

(ac) contravention;

(ad) contravention notice;

(ae) enforcement order;".

(3) In that subsection omit paragraph (b).

(4) In that subsection, after paragraph (d) insert—

"(da) licence condition;".

(5) In that subsection, after paragraph (h) insert—

"(i) notice;

(j) publication;

(k) representation;

(l) term of licence;

(m) urgent enforcement order."

(6) For subsection (6) substitute—

"(6) A licence condition is a provision of a licence which is expressed as a condition.

(6A) A term of a licence is a provision of a licence which is not a licence condition."

(7) After subsection (7) insert—

"(8) "Air transport service" and "user", in relation to such services, have the meaning given in section 69(1) of the Civil Aviation Act 2012 (air transport services).

(9) "The CMA" is the Competition and Markets Authority.

(10) References in this Chapter to a notice are to a notice in writing.

(11) Where a person is required to publish something by this Chapter, the person must publish it in whatever form and manner the person considers appropriate for bringing it to the attention of persons likely to be affected by it.

(12) A representation includes an objection.

(13) A contravention includes a failure to comply, and related expressions are to be read accordingly.

(14) A contravention notice is a notice under paragraph 1 of Schedule B1.

(15) An enforcement order is an order under paragraph 3 of Schedule B1.

(16) An urgent enforcement order is an order under paragraph 5 of Schedule B1."

Commencement Information
I67 Sch. 7 para. 7 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

8 After section 40 of that Act insert—

"**40A Connected persons**

(1) For the purposes of this Chapter one person is connected to another if they are group undertakings in relation to each other.

(2) "Group undertaking" has the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).

(3) The Secretary of State may by regulations make provision about when one person is connected with another for the purposes of this Chapter, including provision amending or otherwise modifying subsections (1) and (2)."

Commencement Information
I68 Sch. 7 para. 8 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

9 (1) Section 103 of that Act (orders and regulations) is amended as follows.

(2) In subsection (5)—

(a) before "51" insert " 11, 19A, 40A, ";

(b) after "94" insert " , paragraph 14 of Schedule B1 or paragraph 2 of Schedule C1 ".

(3) In subsection (6), after "51" insert " , and no regulations are to be made under section 11, 19A or 40A, paragraph 14 of Schedule B1 or paragraph 2 of Schedule C1, ".

(4) In subsection (9), after "section 6" insert " or 11 ".

Commencement Information
I69 Sch. 7 para. 9 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

10 In section 104 of that Act (directions), after subsection (2) insert—

"(2A) But subsection (2) does not apply in the case of—

(a) a direction given by the Competition and Markets Authority under section 19C;

(b) a direction given by that Authority under paragraph 8 of Schedule A1 (see instead paragraph 8(4) of that Schedule);

(c) a direction given by the Competition Appeal Tribunal under paragraph 20 of Schedule B1;

(d) a direction given by that Tribunal under paragraph 8 of Schedule C1."

Commencement Information
I70 Sch. 7 para. 10 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

Enterprise and Regulatory Reform Act 2013 (c. 24)

11 In Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (the Competition and Markets Authority), in paragraph 48(4)(c), after sub-paragraph (iib) insert—

"(iic) Schedule A1 to the Transport Act 2000;".

Commencement Information
I71 Sch. 7 para. 11 in force at 29.6.2021 by S.I. 2021/748, **reg. 2(j)**

SCHEDULE 8

Section 13

UNMANNED AIRCRAFT: POWERS OF POLICE OFFICERS AND PRISON AUTHORITIES

PART 1

GENERAL POWERS OF POLICE OFFICERS

Power of constable to require an unmanned aircraft to be grounded

1 (1) A constable may exercise the power conferred by this paragraph if the constable has reasonable grounds for believing that a flight by an unmanned aircraft is taking place.

(2) The constable may require a person to ground the aircraft if—

(a) the constable has reasonable grounds for believing that the person is controlling the unmanned aircraft, and

(b) the constable has reasonable grounds for suspecting that the unmanned aircraft has been, is, or is likely to be, involved in the commission of an offence (including an offence under this Act).

(3) A person is guilty of an offence if—

(a) the person without reasonable excuse fails to comply with a requirement under this paragraph, and

(b) the person is controlling the unmanned aircraft.

(4) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Commencement Information
I72 Sch. 8 para. 1 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
I73 Sch. 8 para. 1 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

Power of constable to stop and search persons or vehicles

2 (1) A constable may exercise the power conferred by this paragraph if the constable is in a place to which the constable lawfully has access (whether or not it is a place to which the public has access).

(2) The constable may search—
- (a) a person,
- (b) a vehicle, or
- (c) anything which is in or on a vehicle,

if Condition A, Condition B or Condition C is satisfied.

(3) Condition A is that the constable has reasonable grounds for suspecting that—
- (a) the constable will find an unmanned aircraft or an article associated with an unmanned aircraft, and
- (b) the unmanned aircraft, or the article associated with an unmanned aircraft, is or has been involved in the commission of—
  - (i) an offence under article 94A, 240, 265A(2) or 265B(2) of the ANO 2016, or
  - (ii) any relevant prison offence.

(4) Condition B is that the constable has reasonable grounds for suspecting that—
- (a) the constable will find an unmanned aircraft or an article associated with an unmanned aircraft,
- (b) the unmanned aircraft, or the article associated with an unmanned aircraft, is or has been involved in the commission of—
  - (i) an offence under article 239(4) of the ANO 2016,
  - (ii) a relevant offence under article 265B(3) of the ANO 2016, or
  - (iii) a relevant offence under article 265E(7) of the ANO 2016, and
- (c) the commission of that offence involves or involved the use of the unmanned aircraft, or the article associated with an unmanned aircraft, for one or more of the following purposes—
  - (i) to endanger any other aircraft (whether or not an unmanned aircraft);
  - (ii) to cause any person harm, harassment, alarm or distress;
  - (iii) to undermine security or good order and discipline in any prison or in any other institution where persons are lawfully detained;
  - (iv) to damage property (including land or buildings);
  - (v) to threaten national security.

(5) Condition C is that the constable has reasonable grounds for suspecting that—
- (a) the constable will find an article which is or has been involved in the commission of any relevant prison offence, and
- (b) the commission of that offence involves or involved the use of an unmanned aircraft.

(6) A constable may seize anything that the constable discovers in the course of a search under this paragraph if the constable has reasonable grounds for believing that it is evidence in relation to—
- (a) an offence under any of these provisions of the ANO 2016—
  - (i) article 94A (certain unmanned aircraft: permission for flights over or near aerodromes);

(ii) article 239(4) (prohibited or restricted flying);
(iii) article 240 (endangering safety of an aircraft);
(iv) article 265A(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to UAS operators);
(v) article 265B(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to remote pilots);

(b) a relevant offence under article 265B(3) of the ANO 2016;
(c) a relevant offence under article 265E(7) of the ANO 2016; or
(d) a relevant prison offence.

Commencement Information

I74 Sch. 8 para. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I75 Sch. 8 para. 2 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Power to enter and search premises under warrant

3 (1) If a justice of the peace is satisfied that there are reasonable grounds for believing that articles to which this paragraph applies are on any premises, the justice of the peace may issue a warrant authorising a constable to—
(a) enter and search the premises, and
(b) seize anything found there which the constable has reason to believe is such an article.

(2) This paragraph applies to an article if it is—
(a) an unmanned aircraft, or
(b) an article associated with an unmanned aircraft,
which has been involved in the commission of a relevant unmanned aircraft offence.

(3) The power to search conferred by sub-paragraph (1)(a) is only a power to search to the extent that is reasonably required for the purpose of discovering—
(a) an unmanned aircraft, or
(b) an article associated with an unmanned aircraft.

(4) In England and Wales, sections 15 and 16 of the Police and Criminal Evidence Act 1984 (execution of search warrants and safeguards) apply to warrants issued under this paragraph.

(5) In Northern Ireland, Articles 17 and 18 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (execution of search warrants and safeguards) apply to warrants issued under this paragraph.

(6) In Scotland—
(a) a warrant under this paragraph may be issued on the application of a constable or a procurator fiscal;
(b) the application must be supported by evidence on oath;
(c) the person applying for the warrant must answer on oath any question that the justice of the peace, summary sheriff or sheriff hearing the application asks the person;
(d) in the case of an application made by a procurator fiscal, that requirement may be met by a constable;

(e) a warrant under this paragraph may authorise persons to accompany any constable who is executing it if the justice, summary sheriff or sheriff issuing the warrant is satisfied that their presence is likely to be helpful to the search;

(f) a person so authorised may exercise any power conferred by the warrant, but only in the company of, and under the supervision of, a constable.

(7) In the application of this paragraph to Scotland, for each reference to a justice of the peace (except those in sub-paragraph (6)) substitute references to a justice of the peace or a summary sheriff or a sheriff.

(8) In the application of this paragraph to Northern Ireland, for each reference to a justice of the peace substitute a reference to a lay magistrate.

Commencement Information

I76 Sch. 8 para. 3 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I77 Sch. 8 para. 3 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Supplementary powers

4 (1) A constable may if necessary use reasonable force for the purpose of exercising a power conferred by this Schedule.

(2) In England and Wales, section 22(1) to (4) and (7) of the Police and Criminal Evidence Act 1984 (retention) apply to anything seized under this Schedule.

(3) In Northern Ireland, Article 24(1) to (4) and (7) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (retention) apply to anything seized under this Schedule.

(4) Sub-paragraphs (5) and (6) apply in relation to Scotland.

(5) Anything seized under this Schedule may be retained for as long as is necessary in all the circumstances and in particular—

(a) for use as evidence at a trial for a relevant unmanned aircraft offence, or

(b) for forensic examination or for investigation in connection with a relevant unmanned aircraft offence.

(6) An item may not be retained for either of the purposes mentioned in sub-paragraph (5) if a photograph or a copy would be sufficient for that purpose.

(7) The powers conferred by this Schedule are in addition to any power otherwise conferred.

Commencement Information

I78 Sch. 8 para. 4 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I79 Sch. 8 para. 4 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Meaning of "relevant unmanned aircraft offence"

5 In this Schedule "relevant unmanned aircraft offence" means—

(a) an offence under this Act;

(b) any of these offences under the ANO 2016—
  (i) an offence under article 94A(1), 239(4), 265A(2) or 265B(2) of the ANO 2016;
  (ii) a relevant offence under article 265B(3) of the ANO 2016;
  (iii) a relevant offence under article 265E(7) of the ANO 2016;
  (iv) an offence under the law of Scotland which arises under any other provision of the ANO 2016 and relates to unmanned aircraft, except an offence which is triable only summarily;

(c) an offence under any of these provisions—
  (i) section 40C(2) or (3) of the Prison Act 1952;
  (ii) section 34B(2) or (3) of the Prison Act (Northern Ireland) 1953;
  (iii) section 41 or 41ZA of the Prisons (Scotland) Act 1989;

(d) a Scottish common law prison offence.

Commencement Information

I80 Sch. 8 para. 5 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I81 Sch. 8 para. 5 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Meaning of "relevant offence under article 265B(3) of the ANO 2016"

6 In this Schedule "relevant offence under article 265B(3) of the ANO 2016" means an offence under article 265B(3) of the ANO 2016 committed by the contravention of a relevant requirement set out or referred to in any of the following provisions of the ANO 2016—

(a) article 265B(5)(a), (h), (i) or (j);

(b) article 265B(6);

(c) article 265B(7)(e), but only insofar as that requirement (to comply with authorised limitations and conditions) regulates the operation of an unmanned aircraft during flight;

(d) article 265B(7)(f), (g) or (i);

(e) article 265B(8), but only insofar as that requirement (conditions under which operations in the framework of the model aircraft clubs or associations may be conducted) regulates the operation of an unmanned aircraft during flight.

Commencement Information

I82 Sch. 8 para. 6 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I83 Sch. 8 para. 6 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Meaning of "relevant offence under article 265E(7) of the ANO 2016"

7 In this Schedule "relevant offence under article 265E(7) of the ANO 2016" means an offence under article 265E(7) of the ANO 2016 committed by the contravention of a relevant requirement set out or referred to in any of the following provisions of the ANO 2016—

(a) article 265E(2)(a)(vi), (vii) or (viii);

(b) article 265E(2)(b)(ix), (x) or (xi);
(c) article 265E(5)(a);
(d) article 265E(6).

Commencement Information
I84 Sch. 8 para. 7 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
I85 Sch. 8 para. 7 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Meaning of "relevant prison offence"

8 In this Schedule "relevant prison offence" means—
(a) an offence under any of these provisions of the Prison Act 1952—
(i) section 39 (assisting a prisoner to escape);
(ii) section 40B (conveyance etc of List A articles into or out of prison);
(iii) section 40C (conveyance etc of List B or C articles into or out of prison);
(iv) section 40CB (throwing articles into prison);
(b) an offence under any of these provisions of the Prison Act (Northern Ireland) 1953—
(i) section 29(1) (assisting escape from lawful custody);
(ii) section 33 (facilitating escape by conveying things into prison);
(iii) section 34A (conveyance etc of List A articles into or out of prison);
(iv) section 34B (conveyance etc of List B or C articles into or out of prison);
(c) an offence under either of these provisions of the Prisons (Scotland) Act 1989—
(i) section 41 (unlawful introduction of proscribed articles into a prison);
(ii) section 41ZA (provision to and use by prisoners of personal communication devices);
(d) a Scottish common law prison offence.

Commencement Information
I86 Sch. 8 para. 8 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
I87 Sch. 8 para. 8 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Meaning of "Scottish common law prison offence"

9 (1) In this Schedule "Scottish common law prison offence" means—
(a) an offence at common law in Scotland committed by assisting a prisoner in a penal institution in Scotland in escaping or attempting to escape from the institution;

(b) an offence at common law in Scotland committed by, intending to facilitate the escape of a prisoner from a penal institution in Scotland, doing any of the following things—

(i) bringing, throwing or otherwise conveying anything into the institution;

(ii) causing another person to bring, throw or otherwise convey anything into the institution;

(iii) giving anything to a prisoner or leaving anything in any place (whether inside or outside the institution).

(2) In this paragraph—

"penal institution" has the meaning given by section 108 of the Criminal Justice (Scotland) Act 2016;

"prisoner" means a person who is detained or imprisoned in such an institution.

Commencement Information

I88 Sch. 8 para. 9 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I89 Sch. 8 para. 9 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Other interpretation

10 (1) In this Schedule—

"article associated with an unmanned aircraft" includes—

(a) any component, part or product of an unmanned aircraft, and

(b) any equipment, including an electronic device, relating to an unmanned aircraft;

"premises" includes any place and, in particular, includes—

(a) any vehicle;

(b) any offshore installation;

(c) any renewable energy installation (that expression having the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004);

(d) any tent or movable structure;

"property" includes land and buildings;

"vehicle" includes any vessel, aircraft (whether or not an unmanned aircraft) or hovercraft.

(2) A reference in this Schedule to a provision of subordinate legislation (whenever the reference is passed or made) is a reference to that provision as it has effect from time to time.

(3) Sub-paragraph (2) is subject to any contrary provision made in subordinate legislation.

Commencement Information

I90 Sch. 8 para. 10 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I91 Sch. 8 para. 10 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

PART 2

POWERS OF POLICE OFFICERS AND PRISON AUTHORITIES UNDER POLICE ACT 1997

Authorisations to interfere with property etc

11 (1) Section 93 of the Police Act 1997 (authorisations to interfere with property etc) is amended as follows.

(2) In subsection (2), in paragraph (a), for "serious crime" substitute "—

(i) serious crime, or

(ii) the use of an unmanned aircraft in the commission of a relevant offence".

(3) After subsection (2AA) insert—

"(2AB) Where the authorising officer is the Chief Constable of the Civil Nuclear Constabulary, the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence."

(4) After subsection (2AB) insert—

"(2AC) In the case of an England and Wales prison authorisation, the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence."

(5) After subsection (2AC) insert—

"(2AD) In the case of a Northern Ireland prison authorisation, the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence."

(6) After subsection (2AD) insert—

"(2AE) In the case of a Scottish penal institution authorisation, the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence."

(7) In subsection (3), after paragraph (aa) insert—

"(ab) if the authorising officer is within subsection (5)(ef), by a member of the Civil Nuclear Constabulary;".

(8) In subsection (3), after paragraph (da) insert—

"(db) in the case of an England and Wales prison authorisation, by—

(i) a prison officer,

(ii) an officer of a young offender institution,

(iii) an officer of a secure training centre, or

(iv) an officer of a secure college,

whose duties as such an officer are exercisable in relation to the relevant England and Wales institution (and, where that institution is a contracted out institution, such an officer who is temporarily attached to that institution is to be taken to have duties exercisable in relation to it);".

(9) In subsection (3), after paragraph (db) insert—

"(dc) in the case of a Northern Ireland prison authorisation, by—

(i) a prison officer, or

(ii) a member of custodial staff for a juvenile justice centre,

whose duties as such an officer or member of staff are exercisable in relation to the relevant Northern Ireland institution;".

(10) In subsection (3), after paragraph (dc) insert—

"(dd) in the case of a Scottish penal institution authorisation, by a Scottish prison officer whose duties as such an officer are exercisable in relation to the relevant Scottish penal institution (and, where that institution is a contracted out Scottish penal institution, a Scottish prison officer who is temporarily attached to that institution is to be taken to have duties exercisable in relation to it);".

(11) After subsection (4) insert—

"(4A) For the purposes of subsection (2), "relevant offence" means—

(a) an offence under any of these provisions of the Prison Act 1952—

(i) section 39 (assisting a prisoner to escape);

(ii) section 40B (conveyance etc of List A articles into or out of prison);

(iii) section 40C (conveyance etc of List B or C articles into or out of prison);

(iv) section 40CB (throwing articles into prison);

(b) an offence under any of these provisions of the Prison Act (Northern Ireland) 1953—

(i) section 29(1) (assisting escape from lawful custody);

(ii) section 33 (facilitating escape by conveying things into prison);

(iii) section 34A (conveyance etc of List A articles into or out of prison);

(iv) section 34B (conveyance etc of List B or C articles into or out of prison);

(c) an offence at common law in Scotland committed by assisting a prisoner in a penal institution in Scotland in escaping or attempting to escape from the institution;

(d) an offence at common law in Scotland committed by, intending to facilitate the escape of a prisoner from a penal institution in Scotland, doing any of the following things—

(i) bringing, throwing or otherwise conveying anything into the institution;

(ii) causing another person to bring, throw or otherwise convey anything into the institution;

(iii) giving anything to a prisoner or leaving anything in any place (whether inside or outside the institution);

(e) an offence under either of these provisions of the Prisons (Scotland) Act 1989—

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(i) section 41 (unlawful introduction of proscribed articles into a prison);

(ii) section 41ZA (provision to and use by prisoners of personal communication devices);

(f) an offence under section 1(2) of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);

(g) an offence under any of these provisions of the Air Navigation Order 2016—

(i) article 94A (certain unmanned aircraft: permission for flights over or near aerodromes);

(ii) article 239(4) (prohibited or restricted flying);

(iii) article 240 (endangering safety of an aircraft);

(iv) article 241 (endangering safety of any person or property);

(v) article 265A(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to UAS operators);

(vi) article 265B(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to remote pilots);

(h) an offence under article 265B(3) of the Air Navigation Order 2016 committed by the contravention of a relevant requirement set out or referred to in any of the following provisions of that Order—

(i) article 265B(5)(a), (h), (i) or (j);

(ii) article 265B(6);

(iii) article 265B(7)(e), but only insofar as that requirement (to comply with authorised limitations and conditions) regulates the operation of an unmanned aircraft during flight;

(iv) article 265B(7)(f), (g) or (i);

(v) article 265B(8), but only insofar as that requirement (conditions under which operations in the framework of the model aircraft clubs or associations may be conducted) regulates the operation of an unmanned aircraft during flight.

(4B) The Secretary of State may by regulations made by statutory instrument amend subsection (4A) to add or remove an offence.

(4C) The Secretary of State may not make regulations under subsection (4B) unless a draft of the statutory instrument containing the regulations has been laid before Parliament and approved by a resolution of each House of Parliament."

(12) In subsection (5), after paragraph (ee) insert—

"(ef) the Chief Constable of the Civil Nuclear Constabulary;".

(13) In subsection (5), after paragraph (ha) insert—

"(hb) a member of senior management for prisons in England and Wales—

(i) whose duties as a member of senior management for prisons in England and Wales are exercisable in relation to the relevant England and Wales institution, and

(ii) who is designated for the purposes of this paragraph by the Secretary of State;".

(14) In subsection (5), after paragraph (hb) insert—

"(hc) a member of senior management for prisons in Northern Ireland whose duties as a member of senior management for prisons in Northern Ireland are exercisable in relation to the relevant Northern Ireland institution;".

(15) In subsection (5), after paragraph (hc) insert—

"(hd) a member of senior management for penal institutions in Scotland—

(i) whose duties as a member of senior management for penal institutions in Scotland are exercisable in relation to the relevant Scottish penal institution, and

(ii) who is designated for the purposes of this paragraph by the Scottish Ministers;".

(16) In subsection (6), after paragraph (cb) insert—

"(cbza) in relation to a person within subsection (5)(ef), means any place where, under section 56 of the Energy Act 2004, the members of the Civil Nuclear Constabulary have the powers and privileges of a constable;".

(17) In subsection (6), after paragraph (cba) insert—

"(cbb) in relation to an England and Wales prison authorisation, means the area of—

(i) a prison in England or Wales,

(ii) a young offender institution in England or Wales,

(iii) a secure training centre in England or Wales, or

(iv) a secure college in England or Wales,

together with such area or areas adjoining the boundary of that prison, institution, centre or college as the authorising officer considers it necessary and proportionate for the authorisation to relate to;".

(18) In subsection (6), after paragraph (cbb) insert—

"(cbc) in relation to a Northern Ireland prison authorisation, means the area of—

(i) a prison in Northern Ireland,

(ii) a young offenders centre in Northern Ireland,

(iii) a remand centre in Northern Ireland, or

(iv) a juvenile justice centre in Northern Ireland,

together with such area or areas adjoining the boundary of that prison or centre as the authorising officer considers it necessary and proportionate for the authorisation to relate to;".

(19) In subsection (6), after paragraph (cbc) insert—

"(cbd) in relation to a Scottish penal institution authorisation, means the area of a penal institution in Scotland together with such area or areas adjoining the boundary of that institution as the authorising

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

officer considers it necessary or proportionate for the authorisation to relate to;".

(20) After subsection (7) insert—

"(8) In this section—

"England and Wales prison authorisation" means an authorisation where the authorising officer is within subsection (5)(hb);

"contracted out institution" means—

(a) a prison or young offender institution that is a contracted out prison within the meaning of Part 4 of the Criminal Justice Act 1991 (see section 84(4) of that Act and the definition of "prison" in section 92(1) of that Act),

(b) a contracted out secure training centre within the meaning of sections 7 to 14 of the Criminal Justice and Public Order Act 1994 (see section 15 of that Act), or

(c) a contracted-out secure college within the meaning of Schedule 10 to the Criminal Justice and Courts Act 2015 (see paragraph 1 of that Schedule);

"contracted out Scottish penal institution" means a penal institution for the running of which a contract under section 106 of the Criminal Justice and Public Order Act 1994 is for the time being in force;

"member of custodial staff for a juvenile justice centre" means a person who is authorised by the managers of a juvenile justice centre to take charge of a person detained by them;

"member of senior management for penal institutions in Scotland" means a person—

(a) who is a member of staff of the Scottish Administration of a seniority designated for the purposes of this section by the Scottish Ministers, and

(b) whose duties are exercisable in relation to penal institutions in Scotland generally, or any type of such institutions;

"member of senior management for prisons in England and Wales" means a person—

(a) who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000, and

(b) whose duties as a senior official are exercisable in relation to prisons, young offender institutions, secure training centres or secure colleges in England and Wales;

"member of senior management for prisons in Northern Ireland" means a person—

(a) who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000, and

(b) whose duties as a senior official are exercisable in relation to prisons, young offenders centres, remand centres or juvenile justice centres in Northern Ireland;

"Northern Ireland prison authorisation" means an authorisation where the authorising officer is within subsection (5)(hc);

"Northern Ireland prison officer" means a person appointed under section 2(2) of the Prison Act (Northern Ireland) 1953 (including any person whose duties are exercisable in relation to a young offenders centre or remand centre in Northern Ireland);

"penal institution" has the meaning given by section 108 of the Criminal Justice (Scotland) Act 2016;

"prison", in relation to Northern Ireland, has the meaning given in section 47(1A) of the Prison Act (Northern Ireland) 1953;

"prisoner", in relation to a penal institution, means a person who is detained or imprisoned in such an institution;

"relevant England and Wales institution", in relation to an England and Wales prison authorisation, means the prison, young offender institution, secure training centre or secure college in England and Wales to which the authorisation relates;

"relevant Northern Ireland institution", in relation to a Northern Ireland prison authorisation, means the prison, young offenders centre, remand centre or juvenile justice centre in Northern Ireland to which the authorisation relates;

"relevant Scottish penal institution", in relation to a Scottish penal institution authorisation, means the penal institution in Scotland to which the authorisation relates;

"Scottish penal institution authorisation" means an authorisation where the authorising officer is within subsection (5)(hd);

"Scottish prison officer" means a person who holds a post, otherwise than as a medical officer, to which the person has been appointed for the purposes of section 3(1A) of the Prisons (Scotland) Act 1989;

"unmanned aircraft" means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board."

Commencement Information

I92 Sch. 8 para. 11 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I93 Sch. 8 para. 11 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

12 (1) Section 94 of the Police Act 1997 (authorisations given in absence of authorising officer) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), omit the final "or";

(b) after paragraph (b) insert—

"(ba) in the case of an England and Wales prison authorisation, it is also not reasonably practicable for the application to be considered by the authorising officer's designated deputy;".

(3) In subsection (1), after paragraph (ba) insert—

"(bb) in the case of a Northern Ireland prison authorisation, it is also not reasonably practicable for the application to be considered by the authorising officer's designated deputy; or".

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(4) In subsection (1), after paragraph (bb) insert—

"(bc) in the case of a Scottish penal institution authorisation, it is also not reasonably practicable for the application to be considered by the authorising officer's designated deputy."

(5) In subsection (2), after paragraph (dd) insert—

"(de) where the authorising officer is within paragraph (ef) of that subsection, by a person holding the rank of deputy or assistant chief constable in the Civil Nuclear Constabulary;".

(6) In subsection (2), after paragraph (fa) insert—

"(fb) in the case of an England and Wales prison authorisation, by a person—

(i) who is a member of the civil service (within the meaning of Chapter 1 of Part 1 of the Constitutional Reform and Governance Act 2010 — see section 1(4) of that Act),

(ii) whose duties are exercisable in relation to the relevant England and Wales institution, and

(iii) who is designated for the purposes of this paragraph by the Secretary of State;".

(7) In subsection (2), after paragraph (fb) insert—

"(fc) in the case of a Northern Ireland prison authorisation, by a person—

(i) who is a member of the Northern Ireland Civil Service,

(ii) whose duties are exercisable in relation to the relevant Northern Ireland institution, and

(iii) who is designated for the purposes of this paragraph by the Department of Justice in Northern Ireland;".

(8) In subsection (2), after paragraph (fc) insert—

"(fd) in the case of a Scottish penal institution authorisation, by a person—

(i) who is a member of staff of the Scottish Administration,

(ii) whose duties are exercisable in relation to the relevant Scottish penal institution, and

(iii) who is designated for the purposes of this paragraph by the Scottish Ministers;".

(9) In subsection (4), after paragraph (b) insert—

"(ba) in the case of an England and Wales prison authorisation, a member of senior management for prisons in England and Wales who is designated for the purposes of this paragraph by the Secretary of State;".

(10) In subsection (4), after paragraph (ba) insert—

"(bb) in the case of a Northern Ireland prison authorisation, a member of senior management for prisons in Northern Ireland who is designated for the purposes of this paragraph by the Department of Justice in Northern Ireland;".

(11) In subsection (4), after paragraph (bb) insert—

"(bc) in the case of a Scottish penal institution authorisation, a member of senior management for penal institutions in Scotland who

is designated for the purpose of this paragraph by the Scottish Ministers."

(12) After subsection (4) insert—

"(4A) In this section "England and Wales prison authorisation", "member of senior management for prisons in England and Wales" and "relevant England and Wales institution" have the same meanings as in section 93."

(13) After subsection (4A) insert—

"(4B) In this section "member of senior management for prisons in Northern Ireland", "Northern Ireland prison authorisation" and "relevant Northern Ireland institution" have the same meanings as in section 93."

(14) After subsection (4B) insert—

"(4C) In this section, "member of senior management for penal institutions in Scotland", "Scottish penal institution authorisation" and "relevant Scottish penal institution" have the same meanings as in section 93."

Commencement Information

I94 Sch. 8 para. 12 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I95 Sch. 8 para. 12 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(k)**

SCHEDULE 9

Section 14

UNMANNED AIRCRAFT: POWERS OF POLICE OFFICERS RELATING TO ANO 2016

Provision by remote pilots of evidence of competency

1 (1) A constable may exercise the power conferred by this paragraph in relation to a person (P) if the constable—

(a) has reasonable grounds for believing that—

(i) a flight by an unmanned aircraft is taking place or has taken place, and

(ii) P is or was the remote pilot of the unmanned aircraft for the flight, and

(b) has reasonable grounds for suspecting that a relevant competency requirement is or was applicable as respects P and the unmanned aircraft and the flight.

(2) The constable may require P to provide such evidence as the constable considers reasonable of P's compliance, as respects the unmanned aircraft and the flight, with a relevant competency requirement.

(3) In this paragraph "relevant competency requirement" means a requirement imposed by, or referred to in, any of the following provisions of the ANO 2016—

(a) article 265B(5)(b) (open category: having the appropriate competency in the intended sub-category of flight);

(b) article 265B(5)(c) (open category: carrying proof of competency);

(c) article 265B(7)(b) (specific category: having the appropriate competency);
(d) article 265B(7)(c) (specific category: carrying proof of competency);
(e) article 265B(8) (specific category: having the appropriate competency specified in the authorisation relating to the flight);
(f) article 265E(2)(b)(ii) (tethered small unmanned aircraft of 250g or more: competency).

(4) P is guilty of an offence if—
(a) P fails to comply with a requirement imposed by a constable under this paragraph to provide evidence of P's compliance, as respects an unmanned aircraft and a flight, with a relevant competency requirement,
(b) P is or was the remote pilot of the unmanned aircraft for the flight, and
(c) the relevant competency requirement is or was applicable as respects P and the unmanned aircraft and the flight.

(5) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Paragraph 10 includes a defence to the offence under this paragraph.

Commencement Information
I96 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Provision by remote pilots of information about UAS operators

2 (1) A constable may exercise the power conferred by this paragraph in relation to a person (P) if the constable—
(a) has reasonable grounds for believing that—
(i) a flight by an unmanned aircraft is taking place or has taken place, and
(ii) P is or was the remote pilot of the unmanned aircraft, and
(b) has reasonable grounds for suspecting that a relevant registration requirement is or was applicable as respects the UAS operator for the unmanned aircraft and the flight.

(2) The constable may require P to provide such information as the constable considers reasonable as to the identity of—
(a) the person or persons who are or were the UAS operator for the flight, or
(b) the person or persons who made the unmanned aircraft available for use by P.

(3) In this paragraph "relevant registration requirement" means a requirement imposed by, or referred to in, any of the following provisions of the ANO 2016—
(a) article 265A(5)(a) (open category: registration of UAS operator);
(b) article 265A(5)(b) (open category: display of UAS operator's registration number);
(c) article 265A(6)(a) (specific category: registration of UAS operator);
(d) article 265A(6)(b) (specific category: display of UAS operator's registration number);
(e) article 265A(7)(a) (specific category: registration of UAS operator);

(f) article 265A(7)(b) (specific category: display of UAS operator's registration number);

(g) article 265A(9)(a) (specific category: registration of UAS operator);

(h) article 265A(9)(b) (specific category: display of UAS operator's registration number);

(i) article 265E(1)(a) (registration of tethered small unmanned aircraft of 250g or more);

(j) article 265E(1)(b) (display of registration number of tethered small unmanned aircraft of 250g or more).

(4) P is guilty of an offence if—

(a) P fails to comply with a requirement imposed by a constable under this paragraph to provide, as respects a flight by an unmanned aircraft, information as to the identity of a person,

(b) P is or was the remote pilot of the unmanned aircraft for the flight,

(c) the relevant registration requirement which the constable had reasonable grounds for suspecting is or was applicable as respects the UAS operator for the unmanned aircraft and the flight is or was so applicable, and

(d) at the time when the constable imposed the requirement, P could have provided information of the kind which the constable required P to provide.

(5) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Paragraph 10 includes a defence to the offence under this paragraph.

Commencement Information

I97 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Provision by UAS operators of evidence of registration

3 (1) A constable may exercise the power conferred by this paragraph in relation to a person (P) if the constable—

(a) has reasonable grounds for believing that—

(i) a flight by an unmanned aircraft is taking place or has taken place, and

(ii) P is or was the UAS operator of the unmanned aircraft for the flight, and

(b) has reasonable grounds for suspecting that a relevant registration requirement is or was applicable as respects P and the unmanned aircraft and the flight.

(2) The constable may require P to provide such evidence as the constable considers reasonable of P's compliance, as respects the unmanned aircraft and the flight, with a relevant registration requirement.

(3) In this paragraph “relevant registration requirement” has the same meaning as in paragraph 2.

(4) P is guilty of an offence if—

(a) P fails to comply with a requirement imposed by a constable under this paragraph to provide evidence of P's compliance, as respects the flight, with a relevant registration requirement,

(b) P is or was the UAS operator of the unmanned aircraft for the flight, and

(c) the relevant registration requirement is or was applicable as respects P and the unmanned aircraft and the flight.

(5) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Paragraph 10 includes a defence to the offence under this paragraph.

Commencement Information

I98 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Provision by UAS operators of information about remote pilots

4 (1) A constable may exercise the power conferred by this paragraph in relation to a person (P) if the constable—

(a) has reasonable grounds for believing that—

(i) a flight by an unmanned aircraft is taking place or has taken place, and

(ii) P is or was the UAS operator of the unmanned aircraft for the flight, and

(b) has reasonable grounds for suspecting that a relevant competency requirement is or was applicable as respects the remote pilot for the unmanned aircraft and the flight.

(2) The constable may require P to provide such information as the constable considers reasonable as to the identity of the person or persons who are or were the remote pilot or remote pilots of the unmanned aircraft for the flight.

(3) In this paragraph "relevant competency requirement" has the same meaning as in paragraph 1.

(4) P is guilty of an offence if—

(a) P fails to comply with a requirement imposed by a constable under this paragraph to provide information as to the identity of a person,

(b) P is or was the UAS operator of the unmanned aircraft for the flight,

(c) the relevant competency requirement which the constable had reasonable grounds for suspecting is or was applicable as respects the remote pilot for the unmanned aircraft and the flight is or was so applicable, and

(d) at the time when the constable imposed the requirement, P could have provided information of the kind which the constable required P to provide.

(5) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Paragraph 10 includes a defence to the offence under this paragraph.

Commencement Information

I99 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Provision by remote pilots or UAS operators of other information etc

5 (1) A constable may exercise the power conferred by this paragraph in relation to a person (P) if the constable has reasonable grounds for believing that—

(a) a flight by an unmanned aircraft is taking place or has taken place, and

(b) P is or was the remote pilot or the UAS operator of the unmanned aircraft for the flight.

(2) The constable may require P to provide such information, documentation or evidence that is of a specified description as the constable considers reasonable.

(3) In this paragraph "specified description" means a description specified by the Secretary of State by regulations for the purposes of this paragraph.

(4) Regulations under this paragraph that specify a description of information, documentation or evidence may provide for conditions that must be met before a constable may require P to provide information, documentation or evidence that is within that description.

(5) P is guilty of an offence if—

(a) P fails to comply with a requirement imposed by a constable under this paragraph to provide information, documentation or evidence,

(b) P is or was the remote pilot or the UAS operator of the unmanned aircraft for the flight, and

(c) at the time when the constable imposed the requirement, P could have provided information, documentation or evidence of the kind which the constable required P to provide.

(6) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) Paragraph 10 includes a defence to the offence under this paragraph.

Commencement Information

I100 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Provision of evidence of consents for certain flights

6 (1) A constable may exercise the power conferred by this paragraph in relation to a person (P) if the constable—

(a) has reasonable grounds for believing that—

(i) a flight by an unmanned aircraft is taking place or has taken place, and

(ii) P is or was the remote pilot or the UAS operator of the unmanned aircraft for the flight, and

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(b) has reasonable grounds for suspecting that a provision of the ANO 2016 is or was being contravened unless a relevant consent is or was applicable as respects the unmanned aircraft and the flight.

(2) The constable may require P to provide, as respects the unmanned aircraft and the flight, such evidence as the constable considers reasonable of a relevant consent.

(3) In this paragraph "relevant consent" means a permission, operational authorisation, LUC, authorisation or certification required by, or referred to in, any of the following provisions of the ANO 2016—

(a) article 94A (permission for flights over or near aerodromes);

(b) article 265A(1)(b) (operational authorisation, LUC with appropriate privileges, or authorisation);

(c) article 265A(1)(c) (certification of UAS and UAS operator);

(d) article 265B(1)(b) (operational authorisation, LUC with appropriate privileges, or authorisation);

(e) article 265B(1)(c) (certification of UAS and UAS operator);

(f) article 265E(3) (tethered small unmanned aircraft: permission from CAA).

(4) P is guilty of an offence if—

(a) P fails to comply with a requirement imposed by a constable under this paragraph to provide, as respects a flight by an unmanned aircraft, evidence of a relevant consent,

(b) P is or was the remote pilot or the UAS operator of the unmanned aircraft for the flight, and

(c) the relevant consent is or was applicable as respects the unmanned aircraft and the flight.

(5) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Paragraph 10 includes a defence to the offence under this paragraph.

Commencement Information

I101 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Provision of evidence of exemptions for certain flights

7 (1) A constable may exercise the power conferred by this paragraph in relation to a person (P) if the constable—

(a) has reasonable grounds for believing that—

(i) a flight by an unmanned aircraft is taking place or has taken place, and

(ii) P is or was, as respects the flight, the remote pilot or the UAS operator of the unmanned aircraft, and

(b) has reasonable grounds for suspecting that a provision of the ANO 2016 is or was being contravened unless an ANO exemption is or was applicable as respects—

(i) a person and the unmanned aircraft and the flight, or

(ii) the unmanned aircraft and the flight.

(2) The constable may require P to provide, as respects the unmanned aircraft and the flight, such evidence as the constable considers reasonable of an ANO exemption.

(3) In this paragraph "ANO exemption" means an exemption under article 266 of the ANO 2016.

(4) The evidence which a constable may require a person to provide under this paragraph includes evidence of the applicability of an ANO exemption to a person, or the unmanned aircraft, as respects the flight.

(5) P is guilty of an offence if—

(a) P without reasonable excuse fails to comply with a requirement imposed by a constable under this paragraph to provide, as respects P and the unmanned aircraft and the flight, or as respects the unmanned aircraft and the flight, evidence of an ANO exemption,

(b) P is or was the remote pilot or the UAS operator of the unmanned aircraft for the flight, and

(c) the ANO exemption is or was applicable as respects—

(i) P and the unmanned aircraft and the flight, or

(ii) the unmanned aircraft and the flight.

(6) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) Paragraph 10 includes a defence to the offence under this paragraph.

Commencement Information

I102 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Power to inspect unmanned aircraft in connection with other powers

8 (1) A constable may require a person in possession of an unmanned aircraft to allow the constable to inspect it if the constable considers that the inspection would assist the constable in deciding whether a power conferred by any of paragraphs 1 to 7 is exercisable.

(2) A constable may if necessary use reasonable force for the purpose of exercising the power conferred by this paragraph.

(3) A person who fails to comply with a requirement imposed under this paragraph is guilty of an offence.

(4) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Commencement Information

I103 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Offence of providing false or misleading information etc

9 (1) A person commits an offence if—
(a) anything that the person provides under this Schedule is false or misleading in a material respect, and
(b) the person either—
(i) knows that it is false or misleading, or
(ii) is reckless as to whether it is false or misleading.

(2) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Commencement Information
I104 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Provision of information etc at a police station

10 (1) A person (P) may comply with a requirement imposed by a constable under any of paragraphs 1 to 7 by providing what the constable required at a police station specified by P at the time when the constable imposed the requirement (the "nominated police station")—
(a) within seven days beginning with the day after which the constable imposed the requirement, or
(b) if it is not reasonably practicable to do so within that seven day period, as soon after the end of that period as is reasonably practicable.

(2) It is a defence for a person charged with an offence under any of paragraphs 1 to 7 in respect of a failure to comply with a requirement imposed by a constable to prove that it was not reasonably practicable to provide what the constable required at the nominated police station before the day on which the proceedings were commenced.

(3) For that purpose, the proceedings against a person for an offence are commenced when—
(a) in the case of proceedings in England and Wales—
(i) an information is laid for the offence,
(ii) the person is charged with the offence under Part 4 of the Police and Criminal Evidence Act 1984, or
(iii) a written charge is issued against the person for the offence under section 29 of the Criminal Justice Act 2003;
(b) in the case of proceedings in Scotland, a complaint is served on the person in respect of the offence;
(c) in the case of proceedings in Northern Ireland—
(i) a summons or warrant is issued under Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 in respect of the person and the offence,
(ii) a summons is issued under section 93 of the Justice Act (Northern Ireland) 2015 in respect of the person and the offence, or
(iii) the person is charged with the offence after being taken into custody without a warrant.

Commencement Information
I105 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

Interpretation

11 (1) In this Schedule the following expressions have the same meanings as in the ANO 2016 (see Schedule 1 to the ANO 2016)— " remote pilot "; " UAS operator ".

(2) A reference in this Schedule to a provision of subordinate legislation (whenever the reference is passed or made) is a reference to that provision as it has effect from time to time.

(3) Sub-paragraph (2) is subject to any contrary provision made in subordinate legislation.

Commencement Information
I106 Sch. 9 in force at 29.4.2021 for specified purposes and 29.6.2021 for all other purposes, see s. 21(1)(a)(2)

SCHEDULE 10

Section 15

FIXED PENALTIES FOR CERTAIN OFFENCES RELATING TO UNMANNED AIRCRAFT

Power to issue fixed penalty notices

1 (1) This paragraph applies where a constable has reason to believe that a person (P) aged 18 or over is committing, or has committed, a fixed penalty offence.

(2) The constable may give P a fixed penalty notice in respect of the fixed penalty offence if Condition A and Condition B are met.

(3) *Condition A*: the constable believes that P did not, and did not intend to—
- (a) endanger any other aircraft (whether or not an unmanned aircraft),
- (b) cause any person harm, harassment, alarm or distress,
- (c) cause any person occupying any premises nuisance or annoyance relating to their occupation of the premises,
- (d) undermine security or good order and discipline in any prison or in any other institution where persons are lawfully detained,
- (e) disturb public order, or
- (f) damage property (including land or buildings),

when committing the fixed penalty offence.

(4) *Condition B*: the constable obtains P's name and address.

Commencement Information
I107 Sch. 10 para. 1 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I108 Sch. 10 para. 1 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Fixed penalty offences

2 (1) The Secretary of State may, by regulations, prescribe offences as fixed penalty offences for the purposes of this Schedule.

(2) The Secretary of State may prescribe an offence only if it is—

(a) an offence under Part 3 of this Act, or

(b) an offence relating to unmanned aircraft under subordinate legislation,

which is triable summarily or triable either way.

(3) After article 265F of the ANO 2016 insert—

Fixed penalty offences

"265G In the case of an offence under any provision of this Order which is prescribed under paragraph 2(2) of Schedule 10 to the Air Traffic Management and Unmanned Aircraft Act 2021, this Order has effect subject to Schedule 10 to that Act (fixed penalties for certain offences relating to unmanned aircraft)."

(4) That provision inserted into the ANO 2016 may be amended or revoked as if made by an Air Navigation Order.

(5) In this paragraph "Air Navigation Order" means an Order in Council under section 60 of the Civil Aviation Act 1982.

Commencement Information

I109 Sch. 10 para. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I110 Sch. 10 para. 2 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Fixed penalty notices

3 (1) A "fixed penalty notice" is a notice offering the opportunity of the discharge of any liability to conviction of the fixed penalty offence to which the notice relates by payment of a fixed penalty in accordance with this Schedule.

(2) A fixed penalty notice must—

(a) give reasonable particulars of the circumstances alleged to constitute the fixed penalty offence;

(b) state the period during which (because of paragraph 4) proceedings will not be instituted for the offence;

(c) specify the amount of the fixed penalty;

(d) state the name and address of the person to whom the fixed penalty may be paid;

(e) specify permissible methods of payment (which may include payment by cash);

(f) specify permissible means by which a payment may be made (which may include payment by post).

(3) A fixed penalty notice may specify two amounts under sub-paragraph (2)(c) and specify that, if the lower of those amounts is paid within a specified period of not more than 14 days, that is the amount of the fixed penalty.

(4) Where a fixed penalty notice specifies that payment of a fixed penalty may be made by post using a specified method of payment—

(a) payment may be made by pre-paying and posting to the person whose name is stated under sub-paragraph (2)(d), at the stated address, a letter containing the amount of the penalty that is paid by the specified method;

(b) where that is done, payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

Commencement Information

I111 Sch. 10 para. 3 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I112 Sch. 10 para. 3 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Effect of fixed penalty notice

4 (1) This paragraph applies if a person (P) is given a fixed penalty notice in respect of a fixed penalty offence.

(2) No proceedings may be instituted for the offence during the 21 day response period.

(3) But that prohibition ceases to apply if, during the 21 day response period, P has given notice requesting a hearing in respect of the offence in the manner specified in the fixed penalty notice.

(4) P may not be convicted of the offence if P pays the fixed penalty during the 21 day response period.

(5) In this paragraph "21 day response period" means the period of 21 days beginning with the day after the day on which the fixed penalty notice is given.

Commencement Information

I113 Sch. 10 para. 4 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I114 Sch. 10 para. 4 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Amount of fixed penalty

5 (1) The fixed penalty for a fixed penalty offence is to be prescribed by the Secretary of State by regulations; and where two amounts are specified in accordance with paragraph 3(3), the higher of those amounts must be the prescribed fixed penalty.

(2) The fixed penalty prescribed for a fixed penalty offence may not exceed—

(a) one half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction, or

(b) where there is no such maximum amount, the amount corresponding to level 4 on the standard scale for summary offences.

Commencement Information

I115 Sch. 10 para. 5 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I116 Sch. 10 para. 5 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Supplementary provision

6 (1) The Secretary of State may, by regulations, make—

(a) provision about the form of, and information to be included in, fixed penalty notices;

(b) provision about the consequences of providing false statements in connection with fixed penalty notices, including provision creating criminal offences;

(c) provision about procedure after a fixed penalty notice is given, including provision about appeals.

(2) Regulations under this paragraph may amend or repeal provision contained in an Act of Parliament.

Commencement Information

I117 Sch. 10 para. 6 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I118 Sch. 10 para. 6 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Issuing of registration documents

7 (1) This paragraph applies if, by the end of the 21 day response period, the person (P) given the fixed penalty notice has not—

(a) paid the penalty specified in the fixed penalty notice, or

(b) requested a hearing.

(2) If the fixed penalty notice was issued in respect of an offence committed in England and Wales, the chief officer of police may, in respect of the penalty specified in the fixed penalty notice, issue a registration document.

(3) If the fixed penalty notice was issued in respect of an offence committed in Scotland, the chief officer of police must issue a registration document.

(4) If the fixed penalty notice was issued in respect of an offence committed in Northern Ireland, the chief officer of police may, in respect of the penalty specified in the fixed penalty notice, issue a registration document.

(5) In this Schedule "registration document" means a document which—

(a) states that the penalty specified in the fixed penalty notice is registrable for enforcement against P as a fine,

(b) gives particulars of the offence to which the fixed penalty notice relates, and

(c) states the name and last known address of P and the amount of the penalty specified in the fixed penalty notice.

(6) In this paragraph—

"chief officer of police", in relation to a fixed penalty notice, means the chief officer of the police force in which the constable who gave the notice serves;

"21 day response period" has the meaning given in paragraph 4(5).

Commencement Information

I119 Sch. 10 para. 7 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I120 Sch. 10 para. 7 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Sending of registration documents

8 (1) Where—

(a) a person (P) is given a fixed penalty notice in respect of a fixed penalty offence, and

(b) a registration document is issued by a person (R) under paragraph 7 in respect of the penalty specified in the fixed penalty notice,

R must cause the registration document to be sent to the relevant recipient.

(2) If P appears to R to reside in England and Wales, the relevant recipient is the designated officer for the local justice area in which P appears to R to reside.

(3) If P appears to R to reside in Scotland, the relevant recipient is the clerk of a court of summary jurisdiction for the area in which P appears to R to reside.

(4) If P appears to R to reside in Northern Ireland, the relevant recipient is the clerk of petty sessions.

(5) If there is no relevant recipient under any of sub-paragraphs (2) to (4), the relevant recipient is to be determined under sub-paragraphs (6) to (8).

(6) If the fixed penalty offence was committed in England and Wales, the relevant recipient is the designated officer for the local justice area in which the offence was committed.

(7) If the fixed penalty offence was committed in Scotland, the relevant recipient is the clerk of a court of summary jurisdiction for the area in which the offence was committed.

(8) If the fixed penalty offence was committed in Northern Ireland, the relevant recipient is the clerk of petty sessions.

Commencement Information

I121 Sch. 10 para. 8 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I122 Sch. 10 para. 8 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Registration of fixed penalty: document sent to designated officer in England and Wales

9 (1) Where the designated officer for a local justice area (D) receives a registration document in respect of the penalty specified in a fixed penalty notice given to a person (P) the registration document must be dealt with in accordance with this paragraph.

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(2) That duty applies whether D receives the registration document under paragraph 8, this paragraph or paragraph 10 or 11.

(3) If it appears to D that P resides in the local justice area for which D is the designated officer, D must register the amount of the penalty as a fine in that area by entering it in the register of a magistrates' court acting in that area.

(4) If it appears to D that P resides in any other local justice area in England and Wales, D must send the registration document to the designated officer for that area.

(5) If it appears to D that P resides in Scotland, D must send the registration document to the clerk of a court of summary jurisdiction for the area in which P appears to D to reside.

(6) If it appears to D that P resides in Northern Ireland, D must send the registration document to the clerk of petty sessions.

(7) If the registration document is not dealt with under any of sub-paragraphs (3) to (6), it must be dealt with under sub-paragraphs (8) to (11).

(8) If the fixed penalty offence was committed in the local justice area for which D is the designated officer, D must register the amount of the penalty as a fine in that area by entering it in the register of a magistrates' court acting in that area.

(9) If the fixed penalty offence was committed in any other local justice area in England and Wales, D must send the registration document to the designated officer for that area.

(10) If the fixed penalty offence was committed in Scotland, D must send the registration document to the clerk of a court of summary jurisdiction for the area in which the offence was committed.

(11) If the fixed penalty offence was committed in Northern Ireland, D must send the registration document to the clerk of petty sessions.

(12) If D registers the amount of the penalty as a fine under this paragraph, D must give P notice of the registration.

(13) The notice must—

(a) specify the amount of the penalty registered, and

(b) give the information with respect to the fixed penalty offence, and the authority for registration, which was included in the registration document under paragraph 7.

(14) On the registration of the amount of the penalty as a fine under this paragraph, any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of a magistrates' court is to have effect in the case in question as if the amount so registered were a fine imposed by the magistrates' court on the conviction of P on the date of the registration.

(15) Accordingly, in the application by virtue of this paragraph of the provisions of the Magistrates' Courts Act 1980 relating to the satisfaction and enforcement of sums adjudged to be paid on the conviction of a magistrates' court, section 85 of that Act (power to remit a fine in whole or in part) is not excluded by subsection (2) of that section (references in that section to a fine not to include any other sum adjudged

to be paid on a conviction) from applying to a sum registered in a magistrates' court by virtue of this paragraph.

Commencement Information

I123 Sch. 10 para. 9 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I124 Sch. 10 para. 9 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Registration of fixed penalty: document sent to clerk in Scotland

10 (1) Where the clerk of a court of summary jurisdiction (C) receives a registration document in respect of the penalty specified in a fixed penalty notice given to a person (P), the registration document must be dealt with in accordance with this paragraph.

(2) That duty applies whether C receives the registration document under paragraph 8 or 9, this paragraph or paragraph 11.

(3) If it appears to C that P resides in the area of the court, C must register the amount of the penalty for enforcement as a fine by that court.

(4) If it appears to C that P resides in Scotland but not in the area of C's court, C must send the registration document to the clerk of a court of summary jurisdiction for the area in which P appears to reside.

(5) If it appears to C that P resides in England and Wales, C must send the registration document to the designated officer for the local justice area in which P appears to C to reside.

(6) If it appears to C that P resides in Northern Ireland, C must send the registration document to the clerk of petty sessions.

(7) If the registration document is not dealt with under any of sub-paragraphs (3) to (6), it must be dealt with under sub-paragraphs (8) to (11).

(8) If the fixed penalty offence was committed in the area of the court, C must register the amount of the penalty for enforcement as a fine by that court.

(9) If the fixed penalty offence was committed in Scotland but not in the area of C's court, C must send the registration document to the clerk of a court of summary jurisdiction for the area in which the offence was committed.

(10) If the fixed penalty offence was committed in England and Wales, C must send the registration document to the designated officer for the local justice area in which the offence was committed.

(11) If the fixed penalty offence was committed in Northern Ireland, C must send the registration document to the clerk of petty sessions.

(12) If C registers the amount of the penalty for enforcement as a fine under this paragraph, C must give P notice of the registration.

(13) The notice must—

(a) specify the amount of the penalty registered, and

(b) give the information with respect to the fixed penalty offence, and the authority for registration, which was included in the registration document under paragraph 7.

(14) On the registration of the amount of the penalty for enforcement as a fine by a court of summary jurisdiction, any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of a court of summary jurisdiction is to have effect in the case in question as if the amount so registered were a fine imposed by the court of summary jurisdiction on the conviction of P on the date of the registration.

(15) The reference in sub-paragraph (14) to any enactment includes any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

Commencement Information

I125 Sch. 10 para. 10 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I126 Sch. 10 para. 10 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Registration of fixed penalty: document sent to clerk of petty sessions in Northern Ireland

11 (1) Where the clerk of petty sessions (C) receives a registration document in respect of the penalty specified in a fixed penalty notice given to a person (P), the registration document must be dealt with in accordance with this paragraph.

(2) That duty applies whether C receives the registration document under paragraph 8, 9 or 10.

(3) If it appears to C that P resides in Northern Ireland, C must register the amount of the penalty for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.

(4) If it appears to C that P resides in England and Wales, C must send the registration document to the designated officer for the local justice area in which P appears to C to reside.

(5) If it appears to C that P resides in Scotland, C must send the registration document to the clerk of a court of summary jurisdiction for the area in which P appears to C to reside.

(6) If the registration document is not dealt with under any of sub-paragraphs (3) to (5), it must be dealt with under sub-paragraphs (7) to (9).

(7) If the fixed penalty offence was committed in Northern Ireland, C must register the amount of the penalty for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.

(8) If the fixed penalty offence was committed in England and Wales, C must send the registration document to the designated officer for the local justice area in which the offence was committed.

(9) If the fixed penalty offence was committed in Scotland, C must send the registration document to the clerk of a court of summary jurisdiction for the area in which the offence was committed.

(10) If C registers the amount of the penalty for enforcement as a fine under this paragraph, C must give P notice of the registration.

(11) The notice must—

(a) specify the amount of the penalty registered,

(b) require payment of it by such date, not less than 28 days from the date of registration, as may be specified in the notice, and

(c) give the information with respect to the fixed penalty offence, and the authority for registration, which was included in the registration document under paragraph 7.

(12) On the registration of any amount in the Order Book of a court of summary jurisdiction by virtue of this paragraph, any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of such a court is to have effect in the case in question as if the amount so registered were a fine imposed by that court on the conviction of P on the date of the registration.

(13) The clerk of petty sessions must refer the case to a district judge (magistrates' courts) for the judge to consider whether to make a collection order; and the order may be made without a court hearing.

(14) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under sub-paragraph (11)(b).

(15) In this paragraph "collection order" means an order under section 3 of the Justice Act (Northern Ireland) 2016.

Commencement Information

I127 Sch. 10 para. 11 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I128 Sch. 10 para. 11 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Bodies corporate & the Crown

12 (1) For the purposes of this Schedule, where a fixed penalty notice is given to a body corporate, the place where that body resides and the address of that body are the registered or principal office of that body.

(2) Nothing in this Schedule authorises a fixed penalty notice to be given in respect of the commission of a fixed penalty offence if, by virtue of any immunity of the Crown, no liability to a penalty for commission of the offence would arise.

Commencement Information

I129 Sch. 10 para. 12 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I130 Sch. 10 para. 12 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

Interpretation

13 In this Schedule—

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

"court of summary jurisdiction", in relation to Scotland, has the same meaning as in section 307(1) of the Criminal Procedure (Scotland) Act 1995;

"fixed penalty notice" has the meaning given in paragraph 3(1);

"fixed penalty offence" means an offence prescribed under paragraph 2(1).

Commencement Information

I131 Sch. 10 para. 13 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I132 Sch. 10 para. 13 in force at 29.6.2021 in so far as not already in force by S.I. 2021/748, **reg. 2(l)**

SCHEDULE 11

Section 16

AMENDMENT AND ENFORCEMENT REGULATIONS

PART 1

AMENDMENT OF PROVISIONS THAT RELATE TO OFFENCES

Amendments in consequence of relevant subordinate legislation

1 (1) The power to make Air Navigation Orders includes power to make any amendment of this Act which is authorised by sub-paragraph (3) or (4).

(2) The Secretary of State may by regulations make any amendment of this Act which is authorised by sub-paragraph (3) or (4).

(3) The Order in Council or regulations may make such amendments of Schedule 8 as the appropriate authority considers appropriate for or in connection with—

(a) maintaining the effect of a provision of that Schedule in a case where it would otherwise cease to be effective because of provision made in any relevant subordinate legislation; or

(b) extending a provision of that Schedule to apply to an offence relating to unmanned aircraft under relevant subordinate legislation to which the provision does not already apply.

(4) The Order in Council or regulations may make such amendments of section 14 and Schedule 9 as the appropriate authority considers appropriate for or in connection with—

(a) maintaining the effect of a provision of that section or Schedule in a case where it would otherwise cease to be effective because of provision made in any relevant subordinate legislation;

(b) extending a provision of that section or Schedule to apply to an offence relating to unmanned aircraft under relevant subordinate legislation to which the provision does not already apply; or

(c) conferring, in consequence of provision made in any relevant subordinate legislation, a police power that corresponds to a power conferred by Schedule 9 as enacted.

(5) For the purposes of sub-paragraph (4)(c) each of the following police powers "corresponds to a power conferred by Schedule 9 as enacted"—

(a) a power to require a person who the constable has reasonable grounds for believing is or was the remote pilot of an unmanned aircraft for a flight ("A") —

(i) to provide information, documentation or other evidence relating to A's compliance with any requirement relating to A's competency to be the remote pilot of the unmanned aircraft for the flight;

(ii) to provide information relating to the identity of a person who is or was the UAS operator of the unmanned aircraft, or made the unmanned aircraft available to A, for the flight;

(iii) to provide information, documentation or other evidence relating to the existence of a consent which is or was required for the flight; or

(iv) to provide information, documentation or other evidence relating to the application to the flight of an exemption from a requirement which would otherwise be applicable to the flight;

(b) a power to require a person who the constable has reasonable grounds for believing is or was the UAS operator of an unmanned aircraft for a flight ("B")—

(i) to provide information, documentation or other evidence relating to B's compliance, as respects the flight, with any requirement relating to registration of B as the UAS operator of the unmanned aircraft;

(ii) to provide information, documentation or other evidence relating to B's compliance, as respects the flight, with any requirement relating to registration of the unmanned aircraft;

(iii) to provide information relating to the identity of a person who is or was the remote pilot of the unmanned aircraft for the flight;

(iv) to provide information, documentation or other evidence relating to the existence of a consent which is or was required for the flight;

(v) to provide information, documentation or other evidence relating to the application to the flight of an exemption from a requirement which would otherwise be applicable to the flight;

(c) a power to require a person who is in possession of an unmanned aircraft to allow the constable to inspect it—

(i) if the constable considers that the inspection would assist the constable in deciding whether any other power conferred by Schedule 9 is exercisable;

(ii) for the purpose of checking whether a requirement to display any number, mark or information on the unmanned aircraft is being complied with.

(6) The provision that may be made under sub-paragraph (4)(c) in connection with conferring a police power includes—

(a) provision authorising a constable to use reasonable force in the exercise of the power;

(b) provision for a person to be guilty of an offence if the person—

(i) does not comply with a requirement imposed by a constable in the exercise of the power, or

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021. (See end of Document for details)*

(ii) knowingly or recklessly provides a constable exercising the power with information, documentation or evidence that is false or misleading in a material respect.

(7) In this paragraph—

"appropriate authority" means—

(a) Her Majesty, in relation to an Air Navigation Order;

(b) the Secretary of State, in relation to regulations;

"relevant subordinate legislation" means—

(a) an Air Navigation Order;

(b) regulations made under paragraph 3 of this Schedule;

(c) regulations made under Article 57 or 58 of the UK Basic Regulation;

(d) regulations made under Article 15 of the UK Implementing Regulation;

"remote pilot", in relation to an unmanned aircraft, means a person (however described) conducting the flight of the unmanned aircraft (including a person who is a remote pilot within the meaning of the ANO 2016 — see Schedule 1 to the ANO 2016);

"UAS operator", in relation to an unmanned aircraft, means a person (however described) who is the operator of the unmanned aircraft (including a person who is a UAS operator within the meaning of the ANO 2016 — see Schedule 1 to the ANO 2016).

Parliamentary procedure

2 In the table in Part 2 of Schedule 13 to the Civil Aviation Act 1982, in the entry relating to section 60 (which sets out the Parliamentary procedure applicable to Air Navigation Orders), in the third column, after "section 60(3)(r)" (provision that is subject to affirmative resolution procedure) insert " or makes, under paragraph 1(1) of Schedule 11 to the Air Traffic Management and Unmanned Aircraft Act 2021, provision authorised by paragraph 1(3)(b) or (4)(b) or (c) of that Schedule; ".

PART 2

ENFORCEMENT OF PARTICULAR EU-DERIVED LEGISLATION

Regulations providing for criminal offences or civil penalties

3 (1) The Secretary of State may, for the purpose of securing compliance with any relevant legislation, make regulations providing—

(a) subject to sub-paragraph (2), for persons to be guilty of offences in such circumstances as may be specified in the regulations and to be liable on conviction of those offences to such penalties as may be so specified;

(b) for the imposition of civil penalties in such circumstances as may be specified in the regulations.

(2) The power conferred by sub-paragraph (1)(a) does not include power—

(a) to provide for offences to be triable only on indictment;

(b) to authorise the imposition, on summary conviction of any offence, of any term of imprisonment or of a fine exceeding the statutory maximum;

(c) to authorise the imposition, on conviction on indictment of an offence, of a term of imprisonment exceeding two years.

(3) The power conferred by sub-paragraph (1)(b) does not include power to authorise the imposition of a civil penalty of an amount that exceeds the amount of a fine at level 4 on the standard scale.

(4) Where regulations under this paragraph make provision for the imposition of a civil penalty, the regulations must also include provision for a right of appeal to a court or tribunal against the imposition of the penalty.

(5) The provision that may be made under sub-paragraph (4) includes provision—

(a) as to the jurisdiction of the court or tribunal to which an appeal may be made;

(b) as to the grounds on which an appeal may be made;

(c) as to the procedure for making an appeal (including any fee which may be payable);

(d) suspending the imposition of the penalty, pending determination of the appeal;

(e) as to the powers of the court or tribunal to which an appeal is made;

(f) as to how any sum payable in pursuance of a decision of the court or tribunal is to be recoverable.

(6) The provision referred to in sub-paragraph (5)(e) includes provision conferring on the court or tribunal to which an appeal is made power—

(a) to confirm the penalty;

(b) to withdraw the penalty;

(c) to vary the amount of the penalty;

(d) to award costs.

(7) This paragraph does not limit the provision that may be made in an Air Navigation Order.

(8) In this paragraph "relevant legislation" means—

(a) the UK Delegated Regulation or provision made under that Regulation;

(b) the UK Implementing Regulation or provision made under that Regulation;

(c) regulations made under Article 57 or 58 of the UK Basic Regulation.

PART 3

INTERPRETATION

Interpretation

4 In this Schedule—

"Air Navigation Order" means an Order in Council under section 60 of the Civil Aviation Act 1982;

"power to make Air Navigation Orders" means the power under section 60 of the Civil Aviation Act 1982 to make Air Navigation Orders;

"UK Basic Regulation" means Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation

Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91;

"UK Delegated Regulation" means Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems;

"UK Implementing Regulation" means Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft;

and a reference to the UK Basic Regulation, the UK Delegated Regulation or the UK Implementing Regulation is to that Regulation as it forms part of domestic law on and after IP completion day and as amended from time to time.

Changes to legislation:
There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021.