



# Air Traffic Management and Unmanned Aircraft Act 2021

## 2021 CHAPTER 12

### 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).

#### 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).

### **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.

#### **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—

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*Status: This is the original version (as it was originally enacted).*

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- (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.

## 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).

## 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.”

## **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.

## **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.