



Air Traffic Management and Unmanned Aircraft Act 2021

2021 CHAPTER 12

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);

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- (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any representations about the proposed modification that are made in the period specified in the notice (and not withdrawn).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).
- (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.

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.
- (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.

11 Air traffic services: consequential amendments

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

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;

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- (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;
 - (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—

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”.