



## EXPLANATORY NOTES

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# Air Traffic Management and Unmanned Aircraft Act 2021

Chapter 12

£11.50



# AIR TRAFFIC MANAGEMENT AND UNMANNED AIRCRAFT ACT 2021

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Air Traffic Management and Unmanned Aircraft Act 2021 which received Royal Assent on 29 April 2021 (c. 12).

- These Explanatory Notes have been prepared by the Department for Transport, in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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## Overview of the Act

- 1 The Air Traffic Management and Unmanned Aircraft Act is divided into four parts. Parts 1 and 2 of the Act, “Airspace change proposals” and “Air traffic”, make provision about airspace change proposals (“ACPs”), the licensing regime for air traffic services under Part 1 of the Transport Act 2000 (“the 2000 Act”), and airport slot allocation. Part 3 of the Act, “Unmanned aircraft”, makes provision to tackle the misuse of unmanned aircraft (“UA”). The measures contained in Part 3 of the Act will provide greater enforcement capability to the police and act as a deterrent to those who would commit offences related to UA. Part 4 of the Act, “General”, makes general provision in respect of the Act as a whole.

## Policy and Legal background (Parts 1 to 3)

### Part 1: Airspace change proposals

#### Policy Background

- 2 Airspace is the volume of space above ground level, extending as far as aircraft can fly. Airspace has to be managed so it can be used safely and efficiently. The UK’s airspace structure is set out in the UK’s Aeronautical Information Publication,<sup>1</sup> with there being five classes of airspace: A, C, D and E (which are controlled airspace, requiring clearance to enter) and G (which is uncontrolled airspace). Airspace changes can include proposals, for example, to amend airport flightpaths, to change the classification of particular airspace or to alter high-level flightpaths.
- 3 A programme of airspace modernisation is underway to redesign the UK’s flightpaths to deliver quicker, quieter and cleaner journeys, and more capacity, for the benefit of those who use and are affected by UK airspace. It is being delivered by the aviation industry, with support from the independent regulator, the Civil Aviation Authority (“the CAA”), and from the Government, which is providing leadership and oversight of governance for the programme.
- 4 There are particular challenges in the highly congested airspace of the south of the UK, where there is a high level of interdependence between airports sharing the same airspace. Due to the complex nature of this airspace, the Government expect airports in the region to bring forward coordinated airspace change consultations in the coming years. Indeed, many airports have already begun their airspace change proposals, ahead of public consultations on flightpath options, likely in 2022.
- 5 Prior to the Act, there were no powers for the Government or the CAA to guarantee the progression of airspace change if an airport did not voluntarily participate in the airspace modernisation programme. That meant an airport could hold up another or several others,

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<sup>1</sup> The AIP is available at <http://www.nats-uk.ead-it.com/public/index.php.html>. Members of the public may also obtain it in printed form (or DVD) by writing to Aeronautical Information Service (AIS), NATS Swanwick, Room 3115, Sopwith Way, Southampton, Hants, SO31 7AY.

thereby delaying the programme. In addition, there were no effective levers to ensure the delivery of other airspace modernisation outcomes, such as those related to safety, capacity, management of noise impacts, air quality, fuel efficiency, improving access to airspace for all users (including where controlled airspace is no longer justified), military access, or to introduce new technology.

- 6 In December 2018, the Government launched a consultation entitled “*Aviation 2050 – the future of UK Aviation*”, Annex A of which was entitled “Legislation to enforce the development of airspace change proposals”.<sup>2</sup> The Government response to this aspect of the consultation was published in October 2019, and confirmed the Government’s intention to bring forward legislation regarding airspace change proposals.<sup>3</sup>
- 7 Part 1 of the Act provides new powers for the Secretary of State (delegable to the CAA) to direct airports and other entities with functions relating to air navigation to progress ACPs, which will be linked to the CAA’s Airspace Modernisation Strategy.

## Legal Background

- 8 The 2000 Act includes provision on air traffic services (Part 1, Chapter 1) and air navigation (Part 1, Chapter 3). Of relevance to Part 1 of the Act, under section 66(1) of the 2000 Act (air navigation: directions), the Secretary of State has a power to give directions to the CAA regarding air navigation. This was most recently done in the form of the Civil Aviation Authority (Air Navigation) Directions 2017,<sup>4</sup> direction 3(e) of which requires the CAA to prepare and maintain a strategy and plan for the use of all UK managed airspace (hereafter referred to as “the CAA’s airspace strategy”, as defined in section 8(1)). Part 1 of the Act contains provisions which enables the Secretary of State (or the CAA, if the function is delegated to it) to give directions to bring about airspace change, where this will assist in delivering the CAA’s airspace strategy.

## Part 2: Air traffic

### Policy Background

- 9 En route air traffic services are currently provided in the United Kingdom by NATS (En Route) plc (“NERL”), a wholly owned subsidiary of NATS Holdings Limited (“NATS”) by virtue of a licence granted to it by the Secretary of State under Part 1 of the 2000 Act. The 2000 Act confers on the CAA, as the UK’s specialist aviation regulator, the role of economic regulator of NERL.

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<sup>2</sup> The consultation can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/769695/aviation-2050-web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769695/aviation-2050-web.pdf)

<sup>3</sup> The Government response to Annex A can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841247/consultation-response-on-legislation-for-enforcing-the-development-of-airspace-change-proposals.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841247/consultation-response-on-legislation-for-enforcing-the-development-of-airspace-change-proposals.pdf)

<sup>4</sup> The Civil Aviation Authority (Air Navigation) Directions 2017 and subsequent amendments to the directions can be found here: <https://www.caa.co.uk/Commercial-industry/Airspace/Airspace-change/Legislative-framework-to-airspace-change/>

10 The CAA is responsible for monitoring and enforcing NERL's compliance with the conditions of the licence and with its duties under section 8 of the 2000 Act. It also has powers to modify conditions of the licence, subject to its duties under section 2 of the 2000 Act. Its primary duty, one shared with the Secretary of State, is to maintain a high standard of safety in the provision of air traffic services. The CAA also has a number of duties secondary to this main duty (of which the first three are shared with the Secretary of State):

- to further the interests of operators and owners of aircraft, owners and managers of aerodromes, persons travelling in aircraft and persons with rights in property carried in them;
- to promote efficiency and economy on the part of licence-holders;
- to secure that licence holders will not find it unduly difficult to finance activities authorised by their licences;
- to take account of any international obligations of the United Kingdom notified to the CAA by the Secretary of State; and
- to take account of any guidance on environmental objectives given to the CAA by the Secretary of State.

In addition, both the CAA and the Secretary of State are under a duty to exercise their functions in such a way as to impose on licence holders the minimum restrictions which are consistent with the exercise of those functions.

11 There have been two serious system failures that have prompted reviews of the regulatory framework for NERL, including the enforcement and penalty regime. The first incident, a Voice Communications Systems (VCS) failure on 7 December 2013, which had a particularly disruptive effect on passengers, prompted a wide-ranging CAA review into the NERL licence and regulatory framework. The second incident involved a computer system failure on 12 December 2014, resulting in the CAA and NATS establishing an independent enquiry into its cause.

12 For both failures, the CAA was satisfied that there were no safety issues associated with NATS's handling of the incident and there was no evidence that NATS was in breach of the service obligations in its licence. The independent enquiry into the 2014 system failure, however, made a number of recommendations to update and modernise the licensing framework.<sup>5</sup>

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<sup>5</sup> NATS Independent Enquiry (2015) NATS System Failure 12 December 2014 – Final Report <http://www.nats.aero/wp-content/uploads/2015/05/Independent-Enquiry-Final-Report-2.0.pdf>

- 13 In September 2016, the Government published a consultation document “*Modernising the licensing framework for air traffic services*”<sup>6</sup>. The Government’s response was published in February 2017<sup>7</sup>. The consultation related to proposals for:
- amending the licence modification process to enable the CAA to make changes to the licence after consultation and conferring a right of appeal to affected parties;
  - conferring a wider range of enforcement tools on the CAA, and enabling the licence holder to appeal decisions to an appropriate body;
  - updating the Secretary of State’s powers to be able to amend certain licence provisions, in particular the period the licence continues in force.
- 14 Part 2 of the Act updates the regulatory framework governing the provision of air traffic services by repealing and replacing provision covering licence modification and enforcement in Part 1 of the 2000 Act. The new provision is modelled on the framework in Part 1 of the Civil Aviation Act 2012 relating to the licensing of airports, and contains a more comprehensive suite of regulatory and enforcement tools. The new framework will, amongst other things, enable the Secretary of State to modify a term of a licence as well as strengthen the CAA’s powers to modify a licence condition. There is a new procedure for modifying a licence condition (including new appeal rights conferred on the licence holder and certain other persons), and provision for enforcement in respect of the contravention of a licence condition or statutory duty (including power to impose financial penalties).
- 15 Part 2 also includes provision relating to airport slot allocation. The process of allocation of slots at capacity constrained airports is governed by retained Regulation (EEC) No 95/93, as amended, on common rules for the allocation of slots at Community airports (“Regulation 95/93”). The Regulation allows the Secretary of State to designate an airport as “coordinated” where there is significantly more demand from air carriers to use the airport than there is capacity available. These are often referred to as “level three” airports. In the UK, there are currently eight slot coordinated / level three airports: Birmingham, Bristol (Bristol is coordinated only at certain times of the year), Gatwick, Heathrow, London City, Luton, Manchester and Stansted.
- 16 Articles 8(2) and 10(2) of Regulation 95/93 provide that where an air carrier has operated slots allocated to it for at least 80% of the time during the scheduling period (winter / summer) for which the slots were allocated, the air carrier will be entitled to the same slots in the next equivalent scheduling period.

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<sup>6</sup> *Modernising the licensing framework for air traffic services*

<https://www.gov.uk/government/consultations/modernising-the-licensing-framework-for-air-traffic-services>

<sup>7</sup>The Government response to the consultation

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590630/modernising-licensing-framework-air-traffic-services-government-consultation-response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/590630/modernising-licensing-framework-air-traffic-services-government-consultation-response.pdf)

- 17 In response to the COVID-19 pandemic the European Union amended Regulation 95/93 to waive this 80% usage rule for the Summer 2020 scheduling period. The EU Commission was also given a delegated power to extend the duration of this waiver, which it exercised to include the Winter '20/21 scheduling period. The UK has supported this position to protect future connectivity, airline finances, and reduce the risk of empty, or near empty flights being run to retain slots under the 80% usage rule.
- 18 In anticipation of the end of the current waiver and the Transition Period, the Department for Transport laid regulations on 1 December 2020 to transfer the delegated power of the EU Commission to extend the waiver to the Secretary of State for Transport. Those regulations were debated in Committee in the House of Commons on 12 January 2021, and in Grand Committee in the House of Lords on 19 January 2021. A further set of regulations were laid on 26 February 2021 to extend the duration of the waiver for the summer season. As provided for in Regulation 95/93, this delegated power only lasted until 2 April 2021, and the waiver's duration could only be set at the time of making the regulations. The decision to extend the waiver must be based on available data and there is currently a lack of forward demand data on which to justify an extension to include the Winter '21/22 scheduling period. Without primary legislation to give new powers, the 80% usage rule would therefore resume well before passenger demand is expected to recover.
- 19 Because slots at capacity constrained airports are scarce, they hold substantial operational, competitive and often financial value to air carriers. In the current context, where passenger demand has declined significantly due to the COVID-19 outbreak, if the 80% usage rule resumed, it is likely that air carriers could deem it in their commercial interests to continue to operate flights, despite associated costs both financial and environmental, with empty or near-empty aircraft. Having the ability to continue to provide a waiver from the 80% usage rule, or to vary the percentage for future seasons, will allow the adoption of appropriate measures to alleviate these costs and to support recovery of the aviation sector, as passenger demand for flights returns.
- 20 Part 2 gives the Secretary of State temporary power to implement alleviation from airport slots requirements for air carriers, in response to the impact of the COVID-19 pandemic, until such a time as passenger demand recovers (predicted to be 2025).

## Legal Background

- 21 Part 2 of the Act will repeal and replace part of Chapter 1 of Part 1 of the 2000 Act, so as to update the regulatory framework which governs the licensing of air traffic services. Further legal background is explained (where relevant) in the related sections of these Notes.
- 22 Part 2 of the Act inserts new Article 10aa into Regulation 95/93. This new Article 10aa provides the Secretary of State with temporary power, exercisable until 24 August 2024, to make regulations to amend Regulation 95/93 or the Airports Slot Allocation Regulations 2006, to make provision about the allocation of airport slots to air carriers in respect of specified scheduling periods. The power would be exercisable only if the Secretary of State considers that as a result of COVID-19 there has been a reduction in the level of air traffic compared to the corresponding period in a relevant previous year and the reduction is likely to persist.

## Part 3: Unmanned aircraft

- 23 This part of the notes provides an overview of the background to the policies relating to Unmanned Aircraft (UA) being taken forward in the Act.

- 24 The Act provides that “unmanned aircraft” means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board. Drones and model aircraft are the most commonly used types of UA. These Explanatory Notes also use the term “tethered small unmanned aircraft” (“tethered small UA”) where it is relevant. This is a term defined in the Air Navigation Order 2016<sup>8</sup> (“ANO 2016”) as an unmanned aircraft- (a) having a maximum take-off mass (MTOM), within the meaning of Article 2 of the Unmanned Aircraft Implementing Regulation, of not more than 1kg; and (b) which is flown within limits imposed by a restraining device which attaches the aircraft to the surface or to a person on the surface. In the ANO 2016, “Unmanned Aircraft Implementing Regulation” means Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft.<sup>9</sup> This EU Regulation is also referred to in the Act, but as the “UK Implementing Regulation”. In these Explanatory Notes this Regulation is simply referred to as the “Implementing Regulation”. The term “UAS operator” is also used in both the Act and these Explanatory Notes. UAS operator is defined in Schedule 1 to the ANO 2016 as any person operating or intending to operate one or more UAS. The term “UAS” is used in both the Act and these Explanatory Notes and means unmanned aircraft system. This refers to a UA and the equipment used to control it remotely.
- 25 UA are used to great effect across a range of industries and sectors. Our emergency and search and rescue services use them to help keep people safe, and they reduce risks to people working in hazardous sectors such as the oil and gas industry. They are used across many other global industries, the public sector and charities to drive more efficient ways of working, to monitor environmental change, to deliver medicines, and to assist infrastructure inspections and construction.
- 26 The misuse of UA has increased in recent years, which poses safety and security concerns. In particular, the number of incidents of UA coming within unsafe proximity of manned aircraft increased from six incidents in 2014 to 125 in 2018. The number of incidents slightly decreased to 91 in 2019 and the figures for 2020 were naturally impacted by the pandemic. The significant disruption to operations at London Gatwick Airport in December 2018 was a stark example of the large economic and operational impacts UA can have when used with malicious intent.
- 27 To tackle this growing misuse of UA, the Act makes provision for the following:
- a. New powers for constables to allow them to better enforce offences relating to UA in the ANO 2016 and certain offences in the Prison Act 1952, the Prison Act (Northern Ireland) 1953, the Prisons (Scotland) Act 1989 and common law offences in Scotland. These include powers to require a UA to be grounded, to stop and search persons or vehicles in specific circumstances, to enter and search premises under warrant, to require production of evidence and information, to inspect UA and to issue fixed penalty notices (“FPNs”) in certain situations.

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<sup>8</sup> S.I. 2016/765

<sup>9</sup> OJ L 152, 11.6.2019, p. 45

- b. An amendment of the Police Act 1997 to enable the use of counter-UA technologies to prevent the use of UA to commit certain ANO 2016 offences, certain Prison Act 1952 offences, certain Prison Act (Northern Ireland) 1953 offences, certain offences at common law in Scotland, certain Prisons (Scotland) Act 1989 offences and an offence in the Aviation and Maritime Security Act 1990.
- 28 Prohibitions and offences relating specifically to the operation of UA are set out in the ANO 2016. Most of the substantive rules to which those prohibitions and offences relate are in the Implementing Regulation (now retained EU law). The Implementing Regulation became applicable on 31 December 2020 and considerable amendments were made to the ANO 2016 in December 2020 as a result.<sup>10</sup>
- 29 The Implementing Regulation creates a new risk-based framework and lays down detailed provisions for the operation of UA in three different risk-based categories. This new regulatory framework is now reflected in the provisions of the ANO 2016. The basic features of the regulation of UA flights in the Implementing Regulation and the ANO 2016 are that a UA must not be flown without the consent of the CAA if the flight would be:
- a. within the flight restriction zone of a protected aerodrome;
  - b. beyond the visual line of sight of the remote pilot;
  - c. above 120m from the closest point of the surface of the earth;
  - d. conducted with a UA which has a maximum take-off mass of 25kg or more;
  - e. close to uninvolved people, over assemblies of people and (depending on the mass of the UA) close to residential, commercial, industrial or recreational areas;
  - f. conducted while carrying any dangerous goods or dropping any material.
- 30 The Implementing Regulation contains a number of different registration requirements for UAS operators and competency requirements for remote pilots. The related offences are set out in the ANO 2016. The ANO 2016 also applies some of the registration and competency requirements in the Implementing Regulation to flights by tethered small UA. Under the ANO 2016 it is also an offence to recklessly or negligently endanger an aircraft (not a UA), and doing so can lead to an unlimited fine or a five-year prison sentence or both.

Finally, in the Aviation and Maritime Security Act 1990:

- a. It is an offence to intentionally use a device (which can include a UA) to commit an act of violence which causes or is likely to cause death or serious personal injury, and endangers or is likely to endanger the safe operation of an international aerodrome or persons at the aerodrome. If a person is found guilty this can attract a sentence of life imprisonment.
- b. It is an offence to intentionally use a device (which can include a UA) to disrupt services at an international aerodrome, in such a way as to endanger or be likely to endanger safe operation of the aerodrome or persons at the aerodrome, and this offence can attract a sentence of life imprisonment.

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<sup>10</sup> The ANO 2016 was amended by the Air Navigation (Amendment) Order 2020, S.I. 2020/1555.

- 31 Two public consultations have informed the contents of the Act: “Taking Flight: The Future of Drones in the UK”<sup>11</sup>, which ran between 26 July 2018 and 17 September 2018, and “Stop and search: extending police powers to cover offences relating to unmanned aircraft (drones), laser pointers and corrosive substances”,<sup>12</sup> which ran between 9 September 2018 and 22 October 2018.
- 32 The following legislation is referenced in Part 3 of the Act:
- a. Prison Act 1952;
  - b. Prison Act (Northern Ireland) 1953;
  - c. Magistrates’ Courts Act 1980;
  - d. Magistrates’ Courts (Northern Ireland) Order 1981;
  - e. Civil Aviation Act 1982;
  - f. Police and Criminal Evidence Act 1984;
  - g. Police and Criminal Evidence (Northern Ireland) Order 1989;
  - h. Prisons (Scotland) Act 1989;
  - i. Aviation and Maritime Security Act 1990;
  - j. Criminal Justice Act 1991;
  - k. Criminal Justice and Public Order Act 1994;
  - l. Criminal Procedure (Scotland) Act 1995;
  - m. Police Act 1997;
  - n. Regulation of Investigatory Powers Act 2000;
  - o. Criminal Justice Act 2003;
  - p. Energy Act 2004;

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<sup>11</sup> Consultation Document for “Taking Flight: The Future of Drones in the UK”:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/729458/taking-flight-the-future-of-drones-in-the-uk.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729458/taking-flight-the-future-of-drones-in-the-uk.pdf)

Government Response:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/771673/future-of-drones-in-uk-consultation-response-web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771673/future-of-drones-in-uk-consultation-response-web.pdf)

<sup>12</sup> Consultation document for “Stop and search: extending police powers to cover offences relating to unmanned aircraft (drones), laser pointers and corrosive substances”:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/739629/06\\_09\\_18\\_Stop\\_and\\_Search\\_Consultation\\_Document\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739629/06_09_18_Stop_and_Search_Consultation_Document_.pdf)

Government response:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/780367/ss\\_consultation\\_gov\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/780367/ss_consultation_gov_response.pdf)

- q. Constitutional Reform and Governance Act 2010;
- r. Criminal Justice and Courts Act 2015;
- s. Justice Act (Northern Ireland) 2015;
- t. Air Navigation Order 2016;
- u. Criminal Justice (Scotland) Act 2016;
- v. Investigatory Powers Act 2016;
- w. Justice Act (Northern Ireland) 2016;
- x. Data Protection Act 2018;
- y. 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;
- z. Commission Delegated Regulation (EU) 2019/945 on unmanned aircraft systems and on third country operators of unmanned aircraft systems; and
- aa. Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft.

## Grounding an unmanned aircraft

### Policy Background

- 33 The Government considers it necessary for a constable to be able to require a person to ground a UA where there is reasonable belief that an offence has been, is being or is likely to be committed, as a means of providing immediate enforcement. This proposal was addressed in the consultation *“Taking Flight: The Future of Drones in the UK”*. Most responses to this part of the consultation showed strong support for this new power, as many of those who responded felt it would improve enforcement and act as a more significant deterrent to anyone thinking of using a UA illegally.

### Legal Background

- 34 There is no existing power which permits a constable to require a person to ground a UA in the circumstances provided for in the Act.

## Stop and search

### Policy Background

- 35 Between 9 September and 22 October 2018, the Home Office ran the public consultation, *“Stop and search: extending police powers to cover offences relating to unmanned aircraft (drones), laser pointers and corrosive substances”*. The consultation included questions on UA on behalf of the Department for Transport to inform the content of this Act. Responses to the consultation were broadly unsupportive of proposals relating to UA. Many respondents felt that the intrusive nature of stop and search powers would be disproportionate to what they perceived as a lack of threat.
- 36 The consultation was conducted prior to events at London Gatwick Airport in December 2018. In light of those events, the Home Office response to the consultation, published on 20 February 2019, included, alongside proposals for stop and search powers to support the new offence of possessing a corrosive substance in a public place, a commitment to develop a stop

and search power for offences relating to flying a UA in the flight restriction zone of a protected aerodrome. The consultation response also set out the Government's intention to keep the further expansion of stop and search powers in relation to other offences involving UA under review. After further consideration, the Government decided that a stop and search power which would apply in relation to a limited number of offences in the ANO 2016 and prison offences was necessary.

## Legal Background

- 37 The provisions in the Act provide the police with the power to stop and search any person or vehicle (or anything in or on a vehicle) in specific circumstances. This power applies where the constable has reasonable grounds for suspecting that they will find a UA, and/or any article associated with a UA, which is or has been involved in the commission of certain offences in the ANO 2016, or the Prison Act 1952 or equivalent legislation in Scotland and Northern Ireland. This power also applies in relation to certain prison offences involving the use of a UA where the constable has reasonable grounds for suspecting that they will find any other article. In this context, uses of a UA which would be caught by this power include, but are not limited to, flying a UA within the flight restriction zone of a protected aerodrome without permission from the CAA or using UA to commit prison-related offences, such as facilitating an escape or conveying prohibited items such as drugs, weapons, mobile phones or tools into a prison.
- 38 Schedule 8, paragraph 2(2) provides the power to stop and search in relation to suspected contraventions of the following offences:
- a. Article 94A of the ANO 2016, which provides that a UAS operator must not cause or permit a UA to be flown and a remote pilot must not fly a UA within the flight restriction zone of a protected aerodrome without the required permission.
  - b. Article 239(4) of the ANO 2016, which provides that it is an offence to contravene or fail to comply with regulations made under article 239, under which the Secretary of State may make regulations prohibiting or restricting flying of all aircraft, including UA.
  - c. Article 240 of the ANO 2016, which provides that a person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.
  - d. Article 265A(2) of the ANO 2016, the effect of which is that it is an offence for a UAS operator not to operate within the new risk-based framework of the Implementing Regulation.
  - e. Article 265B(2) of the ANO 2016, the effect of which is that it is an offence for a remote pilot not to fly in accordance with the new risk-based framework of the Implementing Regulation.
  - f. Article 265B(3) of the ANO 2016, to the extent an offence under that provision is a "relevant offence under article 265B(3) of the ANO 2016" as defined in paragraph 6 of Schedule 8. The offence applies to contraventions by a remote pilot of any of the requirements listed in that article. An example of a relevant requirement in relation to a relevant offence under article 265B(3) of the ANO 2016 is not to fly a UA above the maximum operating height permitted in the open category.
  - g. Article 265E(7) of the ANO 2016, to the extent an offence under that provision is a "relevant offence under article 265E(7) of the ANO 2016" as defined in paragraph 7 of Schedule 8. The offence applies to contraventions by a remote pilot flying a tethered

small UA of any of the requirements listed in that article. An example of a relevant requirement in relation to a relevant offence under article 265E(7) of the ANO 2016 is not flying a tethered small UA beyond visual line of sight.

h. Certain offences under the Prison Act 1952:

Section 39 makes it a criminal offence to assist a prisoner to escape. This assistance can include bringing, throwing or conveying anything into a prison with the intention to facilitate the escape of a prisoner. Such actions could be carried out using UA.

Sections 40B, 40C and 40CB, which make it a criminal offence for someone to bring, throw or convey prohibited items into a prison, as well as to throw any article into a prison, where they do not have authorisation. Again, such actions could be carried out using UA.

i. Offences in the Prison Act (Northern Ireland) 1953, the Prisons (Scotland) Act 1989 and common law offences in Scotland which are equivalent to those in the Prison Act 1952.

39 In order for a constable to exercise this stop and search power, the constable must have reasonable grounds for suspecting that they will find a UA or an article associated with a UA which is or has been involved in the commission of one of these offences. Additional requirements apply in respect of some offences.

40 Where relevant, the provisions in the Police and Criminal Evidence Act 1984 (“PACE 1984”) apply to the seizure and retention of property.

## Entering and searching premises under warrant

### Policy Background

41 Offences specific to UA in the ANO 2016 are summary only offences, and therefore existing entry and search powers which exist for indictable offences cannot be used. In the consultation “*Taking Flight: The Future of Drones in the UK*”, this power was discussed as a means to address this gap so that the police are able to adequately investigate offences relating to UA. Putting in place a warrant process provides an additional safeguard against potential misuse of this power by involving the independent judgement of a justice of the peace in England and Wales, a justice of the peace, a summary sheriff or a sheriff in Scotland, or a lay magistrate in Northern Ireland, necessitating the police to justify their case for a warrant to them.

### Legal Background

42 The new entry and search powers in this Act provide the police with entry and search powers in relation to “relevant unmanned aircraft offences”. The Act sets out in Schedule 8 at paragraph 5 the definition of a relevant unmanned aircraft offence, which includes various ANO 2016 offences and also offences in relation to prisons that can be committed with a UA.

## Use of counter-unmanned aircraft technology

### Policy Background

43 Counter-UA technologies exist and can be used to disrupt illegal UA use. The legal issues regarding their use depend on the way in which they exert their effect. Some of these systems interfere with or disrupt the electronic signals between the UA and its controller, which, if

done without lawful authority, may amount to a criminal offence under the Wireless Telegraphy Act 2006. The use of kinetic counter-UA measures, such as net guns and tactical firearms, of which the effect is to physically disrupt the UA, could amount to unlawful property interference.

- 44 Section 93 of the Police Act 1997 provides for a limited number of named public authorities to authorise property interference or interference with wireless telegraphy that would otherwise be unlawful where it is believed to be necessary for preventing or detecting serious crime and where the action is proportionate to what it seeks to achieve. Section 93(4) of the Police Act 1997 defines “serious crime” in a number of ways, including by reference to offences for which a person “could reasonably be expected to be sentenced to imprisonment for a term of three years or more”, or where the conduct involves violence, results in substantial financial gain, or is conducted by a large number of people in pursuit of a common purpose. Various offences involving UA, whilst having statutory maximum sentences higher than three years, have not involved sentences of that term. Other offences, such as some of the offences under legislation relating to prisons which concern the conveying of articles into prisons, attract maximum sentences of less than three years. Therefore, UA may be used to commit offences that would not constitute serious crime under the definition in section 93(4), since it would not be reasonable to expect a sentence of three years or more.
- 45 The Act provides, through an amendment of section 93 of the Police Act 1997, for the authorisation of property interference and interference with wireless telegraphy to detect or prevent certain offences using a UA. In addition, the Act extends the range of public authorities who can authorise interference with property and/or wireless telegraphy in order to prevent or detect offences committed using a UA. This is in recognition of the fact that those organisations are best placed to assess whether it would be necessary and proportionate to use counter-UA technology in relation to the relevant area.
- 46 The Act amends section 93 of the Police Act 1997 to permit the Civil Nuclear Constabulary (CNC) to apply for authorisations under Part III of the Police Act 1997 in relation to counter-UA activity. Currently the CNC is not listed in the relevant schedule of the Police Act 1997, and so the CNC is not able to self-authorise the use of counter-UA technology. The amendment gives the CNC the same powers available to all other police forces to respond to a UA incident and thereby enhances the protection of civil nuclear licensed sites.
- 47 The Act further amends section 93 of the Police Act 1997 to make provision for “prison authorisations”. In respect of prisons, the “authorising officer” may be a member of senior management for prisons in England and Wales who is designated for this purpose by the Secretary of State. There are also equivalent changes in relation to Scottish and Northern Irish custodial institutions.

## Legal Background

- 48 Schedule 8, paragraph 11 of the Act amends section 93 of the Police Act 1997 to insert a second limb (in addition to “serious crime”) under which property interference and wireless telegraphy interference authorisations can be obtained by the named public authorities to cover the use of a UA in relation to a “relevant offence” (defined in paragraph 11(5) which covers certain offences in the ANO 2016, Aviation and Maritime Security Act 1990, Prison Act 1952 and equivalent legislation and/or common law offences relating to prisons in Scotland and Northern Ireland). The effect of this amendment of section 93 will be to expand the range of circumstances in which technology designed to counter-UA can be used to prevent UA being used to commit offences. Paragraph 11 of Schedule 8 also adds both the CNC, and members of senior management for prisons in England and Wales (and equivalent civil

servants in Scotland and Northern Ireland) exercising their duties in relation to the relevant institution in the case of a prison authorisation, to the list of public authorities who can apply for authorisation to cover the unlawful use of a UA in these circumstances.

- 49 Schedule 8, paragraph 12 of the Act amends section 94 of the Police Act 1997 to enable a deputy or assistant chief constable in the CNC to authorise the use of counter-UA technology in the absence of the Chief Constable of the CNC, and to enable a member of senior management for prisons in England and Wales (and equivalent civil servants in Scotland and Northern Ireland) to authorise the use of counter-UA technology in the absence of the usual authorising official in the case of a prison authorisation.

## Powers relating to the ANO 2016

### Policy Background

- 50 Now that the Implementing Regulation is applicable and related offences are in force in the ANO 2016, UAS operators must register themselves:
- a. when operating any of the following UA within the lowest of the three categories of risk set out in the Implementing Regulation (the open category, as defined in Article 4 of that Regulation):
    - i. a UA with a MTOM of 250g or more which can transfer at least 80 Joules of kinetic energy to a human on impact, or
    - ii. a UA equipped with a sensor able to capture personal data that is not classified as a toy.
  - b. when operating in the second of the three categories of risk set out in the Implementing Regulation (the specific category, as defined in Article 5 of that Regulation).
- 51 Remote pilots flying a UA in the open category must comply with any relevant competency requirements set out in the Implementing Regulation and remote pilots flying a UA in the specific category must comply with the competency requirements set out in the consent from the CAA for the operation (the relevant operational authorisation, light UAS operator certificate ("LUC") or model aircraft club authorisation).
- 52 Prohibitions and offences relating to these registration and competency requirements and also new requirements in relation to tethered small UA were inserted in the ANO 2016 in December 2020 and duplicate or contradictory provisions were removed.
- 53 These measures aim to improve the education and accountability of UA users and the powers in the Act for constables to require proof of UAS operator registration or remote pilot competency will assist enforcement of these requirements. The powers will also help constables to enforce other ANO 2016 requirements by giving them the power to require production of evidence of any "relevant consent" from the CAA or any exemptions in relation to a provision of the ANO 2016 that apply to a particular flight. The power in the Act for a constable to inspect a UA will enable them to establish whether the above powers in relation to UAS operators and remote pilots are exercisable.

### Legal Background

- 54 Schedule 9 of the Act refers to offences under the ANO 2016 and related requirements and creates police powers which can be exercised in relation to them. The articles of the ANO 2016 to which this Schedule relates are:

- a. Article 94A- Permissions 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 265A(5)(a)- Open category: registration of UAS operator;
- e. Article 265A(5)(b)- Open category: display of UAS operator's registration number;
- f. Article 265A(6)(a)- Specific category: registration of UAS operator;
- g. Article 265A(6)(b)- Specific category: display of UAS operator's registration number;
- h. Article 265A(7)(a)- Specific category: registration of UAS operator;
- i. Article 265A(7)(b)- Specific category: display of UAS operator's registration number;
- j. Article 265A(9)(a)- Specific category: registration of UAS operator;
- k. Article 265A(9)(b)- Specific category: display of UAS operator's registration number;
- l. Article 265B(1)(b)- Operational authorisation, LUC with appropriate privileges, or authorisation;
- m. Article 265B(1)(c)- Certification of UAS and UAS operator;
- n. Article 265B(5)(b)- Open category: having the appropriate competency in the intended sub-category of flight;
- o. Article 265B(5)(c)- Open category: carrying proof of competency;
- p. Article 265B(7)(b)- Specific category: having the appropriate competency;
- q. Article 265B(7)(c)- Specific category: carrying proof of competency;
- r. Article 265B(8)- Specific category: having the appropriate competency specified in the authorisation relating to the flight;
- s. Article 265E(1)(a)- Registration of tethered small UA of 250g or more;
- t. Article 265E(1)(b)- Display of registration number of tethered small UA aircraft of 250g or more;
- u. Article 265E(2)(b)(ii)- Tethered small UA of 250g or more: competency;
- v. Article 265E(3)- Tethered small UA: permission from CAA;
- w. Article 266- Exemption from Order.

## Fixed penalty notices

### Policy Background

55 FPNs provide an alternative means of enforcement in relation to offences. The use of FPNs reduces the burden on the courts and police, because a person who is issued an FPN and pays it within the required time frame will not be subject to the court process and associated costs that are incurred when a person is prosecuted. FPNs were proposed in the consultation, *"Taking Flight: The Future of Drones in the UK"* and received strong support from respondents for their introduction for minor offences relating to UA.

56 Whilst the Act provides the power to constables to issue FPNs for offences relating to UA, future secondary legislation will designate which offences are appropriate for an FPN. It is the Government's intention that FPNs will be available to use for less serious offending only – for example, where a person had flown too close to uninvolved people but not caused, or intended to cause, any harm. The Department for Transport has developed a list of situations where issuing an FPN would not be appropriate e.g. where a person has endangered any other aircraft. These are reflected in the conditions for issuing an FPN, which have been incorporated into paragraph 1 of Schedule 10 to the Act. This will ensure that for more serious offending an FPN would not be issued and prosecution through the courts would take place instead.

## Legal Background

57 Payment of an FPN is not an admission of guilt and payment of an FPN allows a person to avoid prosecution in relation to the offence.

58 Schedule 10 refers to the Magistrates' Courts Act 1980 and provides in paragraph 9(15) that section 85 of that Act, which gives the power to remit a fine in whole or in part, applies to a sum registered in a magistrates' court by virtue of paragraph 9. Section 85 of the Magistrates' Courts Act 1980 provides that where a fine has been imposed on conviction of an offender by a magistrates' court, the court may at any time remit the whole or any part of the fine. This may only be done when the court thinks this is just, having regard to a change of circumstances which has occurred in certain circumstances set out at section 85(1).

## Territorial extent and application

59 The provisions in this Act extend to England and Wales, Scotland and Northern Ireland, except that section 12 (airport slot allocation) extends to England and Wales and Scotland only. Civil aviation (including airspace)/air transport are reserved matters under Schedule 3 to the Northern Ireland Act 1998 (but not aerodromes), Schedule 5 to the Scotland Act 1998, and Schedule 7A to the Government of Wales Act 2006. "Aerodromes" are a transferred matter in relation to Northern Ireland (see Schedule 3 to the Northern Ireland Act 1998), which is taken to include airport slot allocation. As a result, and because there are no slot coordinated airports there, section 12 has not been extended to Northern Ireland. The police powers the Act introduces to tackle the unlawful use of UA are ancillary to the overall strategy in relation to the regulation of UA. The regulation of UA relates to civil aviation and is reserved.

## Commentary on provisions of Act

### Structure of the Act

60 The Air Traffic Management and Unmanned Aircraft Act comprises 22 sections and 11 Schedules. In Part 1 of the Act, section 7 introduces Schedules 1 and 2. In Part 2 of the Act, section 9 directly relates to and is expanded upon in Schedules 3 and 4. Section 10 directly relates to and is expanded upon in Schedules 5 and 6. Section 11 introduces Schedule 7. Section 12 makes provision on airport slot allocation. In Part 3 of the Act, sections 13, 14, 15 and 16 introduce Schedules 8, 9, 10 and 11 respectively. The following information is ordered to provide commentary on each section and Schedule listed above. This is followed by commentary on the remaining sections 17 and 18 of Part 3 of the Act, which concern disclosures of information and interpretation for that Part. Finally, these notes provide

commentary on Part 4 of the Act, which comprises sections 19-22, all of which make general provision addressing all Parts of the Act.

## Part 1: Airspace change proposals

### Section 1: Meaning of “airspace change proposal”

- 61 Section 1 defines an “airspace change proposal” as 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 2000 Act (air navigation directions given by the Secretary of State to the CAA).

### Section 2: Direction to progress airspace change proposal

- 62 Section 2 enables the Secretary of State to give a direction to a person involved in airspace change, once they have been consulted, requiring them to prepare an ACP or take steps towards the preparation of an ACP, to submit an ACP to the CAA, to take steps to obtain the CAA’s approval to a proposal submitted to it, and/or to review the operation of an ACP that has been implemented following approval. A direction could be given to an airport operator, air navigation service provider, or any person with functions related to air navigation. A direction given may require the person to do specified things by specified dates and require the person to keep the CAA informed at specified intervals of the progress being made towards the direction being taken forward.
- 63 A direction would only be able to be given by the Secretary of State if the Secretary of State considers that to do so would assist in the delivery of the CAA’s airspace strategy, which is prepared and maintained by the CAA (under directions given to the CAA under section 66 of the 2000 Act). Under the current Directions, (namely the Civil Aviation Authority (Air Navigation) Directions 2017, as amended), the CAA is required to “prepare and maintain a co-ordinated strategy and plan for the use of all UK airspace for air navigation up to 2040, including for the modernisation of the use of such airspace” (see direction 3(e) of those Directions).

### Section 3: Direction to co-operate in airspace change proposal

- 64 Section 3 enables the Secretary of State to give a direction to a person involved in airspace change, requiring that person to co-operate with another person involved in airspace change, in order to assist that other person: to prepare an ACP or to take steps in preparation of such a proposal, to submit an airspace change proposal to the CAA, to obtain approval of an airspace change proposal submitted to the CAA, and/or review the operation of an ACP that has been implemented following approval. Before giving such a direction, the Secretary of State is required to consult both the person to whom the direction would be given and the person with whom co-operation would be directed.
- 65 As with a direction under section 2, a direction would only be able to be given if the Secretary of State considers that it will assist in the delivery of the CAA’s airspace strategy.
- 66 The co-operation required could involve providing information verbally or providing relevant documents, or co-operating in any other ways the Secretary of State considers appropriate. A direction could specify the dates that the person co-operating needs to complete the tasks by, as outlined in the direction. A direction 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.

## Section 4: Directions under sections 2 and 3: supplemental

- 67 Section 4 specifies that a direction under section 2 or 3 must be given in writing and published by the Secretary of State, and also that the Secretary of State may vary or revoke a direction by giving notice. A direction under section 2 or 3 is to be disregarded in so far as it conflicts with the requirements of a direction given under section 38 (directions in the interest of national security etc) or 93 (control in time of hostilities etc) of the 2000 Act, or with a direction under section 14 of the Aviation Security Act 1982.

## Section 5: Delegation of functions to CAA

- 68 Section 5 enables the Secretary of State to delegate the functions of the Secretary of State in sections 2 to 4 to the CAA. In the event of exercising these functions, the CAA must have regard to any international obligation of the United Kingdom notified to the CAA by the Secretary of State. The Secretary of State may revoke a delegation by giving notice to the CAA. The CAA is required to publish a notice given to it under subsections (1) or (4) of section 5.

## Section 6: Provision of information

- 69 Section 6 amends an existing information gathering power contained in section 84 of the Civil Aviation Act 1982 (provision by others of information for the CAA and Secretary of State), to enable the CAA to require information from a person involved in airspace change within the meaning of Part 1 of this Act (that is, from an airport operator, an air navigation service provider, or another person with functions relating to air navigation). The amendment enables the CAA to require information from such a person that the CAA considers is needed for the purpose of the CAA performing any of its functions under Part 1 of this Act, or for the purpose of providing any information, assistance or advice to the Secretary of State relating to the performance of any of the Secretary of State's functions under Part 1 of this Act.

## Section 7: Appeals and enforcement

- 70 Section 7 introduces Schedules 1 and 2 to make provision for appeals against decisions to give directions under sections 2 and 3 (Schedule 1) and provisions for the CAA to enforce directions and for connected appeals (Schedule 2).

### Schedule 1: Appeals against decisions to give or vary directions

- 71 Schedule 1 makes provision for appeals against decisions to give or vary a direction given by the Secretary of State under section 2 or 3 (appeals could also be made against decisions to give or vary a direction from the CAA, where the CAA has been delegated those functions by the Secretary of State). This includes provision for the person given a direction to appeal to the Competition Appeal Tribunal. An appeal may be permitted if the listed grounds of appeal are met, and further appeals on a point of law can be brought to the Court of Appeal in England, Wales and Northern Ireland or to the Court of Session in Scotland.

### Schedule 2: Enforcement of directions and connected appeals

- 72 This Schedule makes provision governing enforcement by the CAA of ACP directions. It provides for contravention notices and enforcement orders, penalties for contravention of enforcement orders, and appeal rights in respect of enforcement orders and penalties.
- 73 Paragraph 1 of Schedule 2 enables the CAA to give a contravention notice to a person if it has reasonable grounds for believing that the person has contravened a direction requirement.

- 74 Where the CAA has considered any representations and determined that the person has contravened the direction requirement, it would then be able to make an enforcement order requiring the person to take specified steps to remedy the consequences of the contravention (paragraph 2).
- 75 If the person then contravenes a requirement in the enforcement order, the CAA would then be able to impose a penalty on the person (paragraph 4). Paragraphs 6 to 8 make provision as to the amount of a penalty, which may be either or both a fixed amount (not exceeding 10% of the person's turnover) or a daily amount (not exceeding 0.1% of the person's turnover).
- 76 Paragraph 11 requires the CAA to prepare and publish a statement of its policy with respect to imposing penalties under Schedule 2, and determining their amount. When preparing or revising such a statement, the CAA must consult any persons that it considers appropriate. Paragraph 12 of Schedule 2 confers a power on the Secretary of State to make regulations to prescribe how turnover is determined when calculating the fixed and daily amounts of a penalty imposed under paragraph 4.

## Section 8: Part 1: Interpretation

- 77 Section 8 provides for interpretation of Part 1 of the Act, including definitions of an "air navigation service provider", "airport operator" and "airspace change proposal".

## Part 2: Air traffic

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

- 78 Section 9 substitutes section 11 of the 2000 Act with new sections 11 to 11B. Without this amendment, licence modifications could only be made by agreement between the CAA and the licence holder, or following a reference to, and investigation by, the Competition and Markets Authority ("CMA"). The licence when granted contains provisions which are either conditions or terms (each are defined in new section 40(6) and (6A) of the 2000 Act respectively). A term relates to matters such as the duration of a licence and the area in respect of which the licence authorises the provision of air traffic services, whereas a condition relates to operational matters, such as the licence holder's obligations on safety and efficiency. New section 11 (modification of a licence) enables the CAA to modify a licence by modifying a licence condition and the Secretary of State to modify terms relating to the duration of a licence, and other terms prescribed by regulations, subject to the applicable procedural constraints set out in new sections 11A and 11B.
- 79 New section 11A (modification of a licence: procedure) sets out the licence modification procedure and the steps that the CAA and Secretary of State must follow when modifying a licence, including provision for which persons must be consulted about a proposed modification, giving reasons for a proposed modification and for a decision to make, or not make, the proposed modification, and the timeline governing this process.
- 80 New section 11B (restrictions on power to modify licence conditions) prohibits the CAA from making a modification if the Secretary of State directs it not to do so.
- 81 Subsection (2) of section 9 also repeals sections 12 to 18 of the 2000 Act, which made provision for a reference to the CMA, and an investigation by it, to consider whether certain matters relating to the provision of air traffic services by the licence holder operate against the public interest and, if so, whether the effects could be remedied or prevented by a change to the licence conditions. This process would have been used where the CAA and the licence holder could not agree a licence modification.

- 82 Section 9 also makes provision for appeals against modifications of licence conditions, which is included in Schedule 3 and the related appeals procedure, which is inserted into the 2000 Act by Schedule 4.

### Schedule 3: Modification of licence conditions under section 11 of the Transport Act 2000: appeals

- 83 This Schedule inserts new sections 19A to 19F into the 2000 Act.
- 84 These new sections make provision for appeals in respect of a decision by the CAA to modify a licence condition; this includes provision for which persons may appeal and for appeals to be made to the CMA (new section 19A), the grounds on which an appeal may be allowed (new section 19B), what occurs on the determination of an appeal (new section 19C), the time limits within which such appeals must be determined (new section 19D), and requirements governing the publication of the determination of the appeal (new section 19E). The appeal may only be brought by the licence holder or certain other persons (e.g. an airline operator, or the owner or manager of a prescribed aerodrome whose interests are materially affected by the decision) with the permission of the CMA, which (if the appeal is allowed) must do one or more of the following, namely quash the decision appealed against, remit the matter to the CAA for reconsideration and decision, or substitute its own decision for that of the CAA.
- 85 New section 19F applies new Schedule A1 (making further provision in respect of appeals under section 19A) to the 2000 Act, and requires the CMA in exercising its appeal functions to have regard to the matters in respect of which duties are imposed on the CAA by section 2 of the 2000 Act.

### Schedule 4: New Schedule A1 to the Transport Act 2000

- 86 This Schedule sets out new Schedule A1, to be inserted before Schedule 1 to the 2000 Act. This Schedule makes provision for the procedure governing appeals in respect of decisions by the CAA to modify a licence condition. This includes provision relating to:
- the time limits for bringing an appeal;
  - the requirement to obtain permission to appeal;
  - the right of certain persons to intervene in an appeal;
  - the right to apply to suspend the effect of the decision being appealed pending the determination of the appeal;
  - the powers of the CMA on determining the appeal;
  - the production of documents and giving oral and written evidence (including the commissioning of expert advice);
  - costs; and
  - the publication of the determination.
- 87 Paragraphs 23 and 25 of this Schedule respectively confer power on the CMA to make rules governing the conduct and disposal of appeals, and the Secretary of State to make regulations which modify time limits prescribed in the Schedule.

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

88 This section amends Chapter 1 of Part 1 of the 2000 Act. It substitutes section 20 with a new section 20 which applies a new Schedule B1 (enforcement and related appeals) to the 2000 Act, repeals sections 21 to 24 of the 2000 Act (enforcement), substitutes a new section 25, and inserts new sections 25A to 25C. These new sections apply a new Schedule C1 to the 2000 Act (information power), make provision for the imposition and recovery of penalties, and require the CAA to publish a statement of policy with respect to imposing penalties under Chapter 1 and determining their amount. It also amends section 34 regarding investigations and replaces the CAA's duty in certain circumstances to investigate complaints about alleged or apprehended contraventions with a discretion to do so.

### Schedule 5: New Schedule B1 to the Transport Act 2000

89 This Schedule sets out new Schedule B1, which is inserted into the 2000 Act by section 10(7). Schedule B1 makes provision governing the CAA's powers to enforce the licence holder's duties under section 8 of the 2000 Act and licence conditions, and the licence holder's appeal rights in respect of orders and penalties made or imposed by the CAA. This includes provision relating to:

- contravention notices;
- enforcement and urgent enforcement orders;
- the availability of a civil cause of action to persons adversely affected by a failure of the licence holder to comply with an enforcement or urgent enforcement order;
- the imposition of financial penalties (which may consist of a fixed amount and/or a daily amount) and the determination of their amounts;
- the right of appeal to the Competition Appeal Tribunal in respect of orders or penalties; and
- the grounds for determining an appeal.

90 Paragraph 14 of this Schedule confers power on the Secretary of State to make regulations which amend or otherwise modify the definition of qualifying turnover, and make provision about how a licence holder's qualifying turnover is to be calculated for the purposes of determining the amount of penalty.

### Schedule 6: New Schedule C1 to the Transport Act 2000

91 Schedule 6 sets out new Schedule C1, which is inserted into the 2000 Act after new Schedule B1. Schedule C1 makes provision which enables the CAA to give notice to a person requiring that person to provide the CAA with information for the purpose of exercising certain functions. It contains related provision which enables the CAA:

- to take enforcement steps if a person fails without reasonable excuse to comply with the notice (including the imposition of a financial penalty); and

- to impose penalties in respect of the provision of false information or the intentional altering, suppressing or destroying of documents that a person is required to produce.
- 92 Part 3 to Schedule C1 contains provisions for appeals against penalties to the Competition Appeal Tribunal.
- 93 Paragraph 2(9) of new Schedule C1 confers on the Secretary of State a power to make regulations to amend the maximum amounts of fixed and daily penalties (set out in paragraph 2(4) and (5) for failure to comply with an information notice).

## Section 11 and Schedule 7: Air traffic services: consequential amendments

- 94 Section 11 gives effect to amendments in Schedule 7 which are consequential on sections 9 and 10.

### Schedule 7: Air traffic services: consequential amendments

- 95 This Schedule makes a number of minor and consequential amendments to Part 1 of the 2000 Act (e.g. to insert new definitions or amend existing ones) and one provision in Schedule 4 to the Enterprise and Regulatory Reform Act 2013.
- 96 Paragraph 8 inserts new section 40A into the 2000 Act to make provision for “connected persons” for the purpose of Chapter 1 of Part 1 of that Act. New section 40A(3) confers power on the Secretary of State to make regulations to make provision about when one person is connected with another for the purposes of that Chapter.

## Section 12: Airport slot allocation

- 97 Section 12 amends retained Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at United Kingdom airports (“Regulation 95/93”). Subsection (2) inserts a new Article 10aa, which provides the Secretary of State with a power to make regulations to amend or modify Regulation 95/93 or the Airports Slot Allocation Regulations 2006 (S.I. 2006/2665) and to make provision about the allocation of airport slots to air carriers in respect of specified periods. These powers are exercisable until 24 August 2024 and may not be exercised in respect of a scheduling period after Winter 2024/25; and only if the Secretary of State considers that as a result of severe acute respiratory syndrome coronavirus 2 there has been a reduction in the level of air traffic compared to the corresponding period in a relevant previous year and the reduction is likely to persist.
- 98 The power to amend Regulation 95/93 or the Airports Slot Allocation Regulations 2006 is a general power to amend those enactments to make provision about the allocation of airport slots in respect of specified periods. It may, in particular, be used to make provision about: requiring slot coordinators to consider slots allocated as having been operated by the carrier to which they were allocated (subject to any conditions which may be specified); to modify the percentages referred to in Articles 8(2), 10(2) and (4) and 14(6) of Regulation 95/93 (again subject to any conditions which may be specified); to add to the reasons for which non-utilisation of slots can be justified; to give the slot coordinator powers to withdraw slots from an air carrier for the remainder of a scheduling period, where the coordinator has determined that the air carrier has ceased its operations at the airport concerned; making provision for enforcement including modifying Article 14 of Regulation 95/93 or regulations 14 to 19 of the Airports Slot Allocation Regulations 2006; modifying any provision of Regulation 95/93 relating to the allocation of slots to new entrants (including modifying the definition of new entrant) and making provision relating to co-ordination parameters.

- 99 Subsection (3) amends Article 13 of Regulation 95/93, to provide that regulations made by the Secretary of State under the new Article 10aa are subject to approval by both Houses of Parliament.

## Part 3: Unmanned aircraft

### Section 13: Powers of police officers and prison authorities

- 100 Section 13 introduces Schedule 8, which gives constables and those with responsibilities in respect of custodial institutions certain powers relating to UA.

### Schedule 8: Unmanned aircraft: powers of police officers and prison authorities

#### **Part 1: General power of police officers**

##### *Power of constable to require an unmanned aircraft to be grounded*

- 101 Paragraph 1(1) and (2) gives a constable the power to require a person controlling a UA to ground the UA in certain circumstances. This power will allow a constable to stop a person from continuing to use a UA to commit an offence, and to begin the process of investigation of an offence. If the offence has not yet been committed, the power may be used by a constable to prevent the offence from taking place.
- 102 Paragraph 1(3) and (4) provides for an offence of failing to comply with a requirement imposed by a constable to ground a UA under this paragraph, and sets out the penalty for that offence. Paragraph 1(3) specifies that, in order for an offence to be committed, the person must be in control of the UA and lack a reasonable excuse for failing to comply with the requirement. This may mean that in a situation where the UA technology was hacked or malfunctioned, for example, the person would not be guilty of an offence.

##### *Power of constable to stop and search persons or vehicles*

- 103 Paragraph 2 gives a constable the power to stop and search for UA, associated articles or (in relation to the prison-related offences) articles involved in the commission of relevant prison offences. Associated articles could include items such as the UA controller. Articles involved in the commission of the prison-related offences include, for example, the contraband mobile phones, drugs or tools being smuggled into a prison. This power may be used to stop and search persons, vehicles, or anything which is in or on a vehicle, in any place where the constable has lawful access and where they reasonably suspect that one of the specified offences under the ANO 2016 or a “relevant prison offence” is being committed or has been committed.
- 104 Paragraph 2(1) allows the power to be exercised only in a place to which the constable lawfully has access.
- 105 Paragraph 2(2) limits the circumstances in which a search may take place by requiring that one of either Condition A, B, or C must be satisfied, and by allowing a constable to search a person, a vehicle, or anything in or on a vehicle.
- 106 Paragraph 2(3) sets out the requirements for satisfaction of Condition A. These requirements relate to the commission of an offence under article 94A ANO 2016 (permission for flights over or near aerodromes by certain UA), article 240 ANO 2016 (endangering the safety of an aircraft), article 265A(2) ANO 2016 (various requirements under the Implementing Regulation relating to UAS operators), article 265B(2) ANO 2016 (various requirements under the Implementing Regulation relating to remote pilots) or in relation to relevant prison offences (defined in paragraph 8 of Schedule 8).

- 107 Paragraph 2(4) sets out the requirements for satisfaction of Condition B. These requirements relate to the commission of an offence under article 239(4) ANO 2016 (offences relating to regulations made under article 239, the power of the Secretary of State to prohibit or restrict flying), a relevant offence under article 265B(3) ANO 2016 (defined in paragraph 6 of Schedule 8) and a relevant offence under article 265E(7) ANO 2016 (defined in paragraph 7 of Schedule 8). Condition B also requires that the commission of the offence is or was related to certain listed harmful purposes. This further condition is necessary because the scenarios in which these articles could be breached are very broad and not all breaches warrant a stop and search power.
- 108 Paragraph 2(5) sets out the requirements for satisfaction of Condition C. These requirements relate to articles which have been involved in the commission of relevant prison offences involving a UA.
- 109 Paragraph 2(6) gives a constable the power to seize items discovered in the course of a search under paragraph 2 where they have reasonable grounds for believing the item is evidence in relation to an offence listed in paragraph 2(6)(a)-(d).

#### *Power to enter and search premises under warrant*

- 110 Paragraph 3(1) gives a justice of the peace the power to issue a warrant authorising a constable to enter and search premises and seize a UA and associated articles under this Schedule. This power provides entry, search and seizure powers for offences which are not covered by existing PACE 1984 entry, search and seizure powers or other existing powers in Scotland and Northern Ireland. The power facilitates investigation of relevant offences relating to a UA.
- 111 Paragraph 3(2) limits this power so that it may only be used in relation to a UA and associated articles involved in a “relevant unmanned aircraft offence”, the definition of which is set out in paragraph 5 of Schedule 8.
- 112 Paragraph 3(3) restricts the power of a constable to search for an associated article only to the extent required to find a UA or associated article. This provision ensures that this search power is not used beyond the scope for which it was intended.
- 113 Paragraph 3(4) and (5) provides that provisions in England and Wales and Northern Ireland legislation apply to warrants issued under paragraph 3. These referenced provisions relate to the proper execution of search warrants, and safeguarding measures.
- 114 Paragraph 3(6) sets out practical considerations and requirements relating to search warrants in Scotland.
- 115 Paragraph 3(7) and (8) is self-explanatory.

#### *Supplementary Powers*

- 116 Paragraph 4(1) of Schedule 8 gives the constable the power to use reasonable force when necessary, when exercising a power conferred by this Schedule.
- 117 Paragraph 4(2) and (3) makes applicable to this Schedule of the Act the specific rules for retention of seized items in England and Wales and Northern Ireland, respectively.
- 118 Paragraph 4(5), which applies in relation to Scotland, sets out the period of time for which anything seized under this Schedule may be retained. The retention period will depend on the relevant circumstances but will be for as long as necessary. Retention might be necessary for use as evidence at a trial or for forensic examination as part of an investigation.

119 Paragraph 4(6), which applies in relation to Scotland, provides that an item may not be retained if it would be sufficient, for the purposes mentioned in paragraph 4(5), to take a photograph or copy instead.

120 Paragraph 4(7) clarifies that the powers in this Schedule are in addition to any other powers conferred on the police through other legislation. They are not intended to replace any already existing police powers or take precedence over any future powers that might be conferred on the police.

#### *Meaning of “relevant unmanned aircraft offence”*

121 Paragraph 5 defines the term “relevant unmanned aircraft offence” that is used in Schedule 8 in relation to the power to enter and search under warrant, and the power to retain items that have been seized. It provides that the term means an offence under this Act, an offence under article 94A(1), 239(4), 265A(2) or 265B(2) of the ANO 2016, a “relevant offence under article 265B(3) of the ANO 2016” (as defined in paragraph 6), a “relevant offence under article 265E(7) of the ANO 2016” (as defined in paragraph 7), 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, an offence under section 40C(2) or (3) of the Prison Act 1952, section 34B(2) or (3) of the Prison Act (Northern Ireland) 1953, section 41 or 41ZA of the Prisons (Scotland) Act 1989 and a “Scottish common law prison offence” (as defined in paragraph 9).

#### *Meaning of “relevant offence under article 265B(3) of the ANO 2016”*

122 Paragraph 6 defines the term relevant offence under article 265B(3) of the ANO 2016 that is used in Schedule 8. It provides that this term means an offence that is committed by the contravention of a relevant requirement set out or referred to in the following provisions of the ANO 2016: article 265B(5)(a), (h), (i) or (j), article 265B(6), article 265B(7)(e) insofar as the requirement to comply with authorised limitations and conditions regulates the operation of a UA during flight, article 265B(7)(f), (g) or (i) and article 265B(8) insofar as the conditions under which operations in the framework of the model aircraft clubs or associations may be conducted regulate the operation of a UA during flight.

#### *Meaning of “relevant offence under article 265E(7) of the ANO 2016”*

123 Paragraph 7 defines the term relevant offence under article 265E(7) of the ANO 2016 that is used in Schedule 8. It provides that this term means an offence that is committed by the contravention of a relevant requirement set out or referred to in the following provisions of the ANO 2016: article 265E(2)(a)(vi), (vii) or (viii); article 265E(2)(b)(ix), (x) or (xi); article 265E(5)(a); and article 265E(6).

#### *Meaning of “relevant prison offence”*

124 Paragraph 8 defines the term relevant prison offence that is used in Schedule 8. It provides that this term means an offence under sections 39, 40B, 40C and 40CB of the Prison Act 1952, sections 29(1), 33, 34A and 34B of the Prison Act (Northern Ireland) 1953, sections 41 and 41ZA of the Prisons (Scotland) Act 1989 and a Scottish common law prison offence (as defined in paragraph 9).

### *Meaning of “Scottish common law prison offence”*

125 Paragraph 9(1) defines the term Scottish common law prison offence that is used in Schedule 8. It provides that this term means an offence at common law in Scotland committed by assisting a prisoner in escaping, or attempting to escape, from a penal institution; intending to facilitate the escape of a prisoner from a penal institution by bringing, throwing or otherwise conveying anything into the penal institution, or causing another person to do so, or giving anything to a prisoner or leaving anything in any place, inside or outside, of the institution.

126 Paragraph 9(2) defines certain terms used in 9(1) and is self-explanatory.

### *Other interpretation*

127 Paragraph 10(1) defines certain terms used throughout this Schedule and is self-explanatory.

128 Paragraph 10(2) and (3) provides that references to secondary legislation in Schedule 8 are to those provisions “as amended from time to time” which means the references to those provisions in the Act will automatically refer to the amended provision, unless a contrary intention appears.

## **Part 2: Powers of police officers and prison authorities under Police Act 1997**

### *Authorisations to interfere with property etc.*

129 Paragraph 11 amends section 93 of the Police Act 1997 to include a new criterion under which authorisation can be given by a public authority listed in that section to interfere with property and wireless telegraphy (such interferences potentially being the consequence of the use of certain counter-UA technologies). The effect is that such authorisations may be given where the person giving the authorisation believes that it is necessary for the action specified to be taken for preventing or detecting the use of a UA in the commission of a relevant offence, and that the taking of the action is proportionate to what the action seeks to achieve.

130 Paragraph 11(2) amends section 93(2)(a) of the Police Act 1997. This amendment enables interference with property and wireless telegraphy where the authorising officer believes it is necessary for the prevention or detection of “the use of an unmanned aircraft in the commission of a relevant offence”.

131 Paragraph 11(3) inserts into the Police Act 1997 a new subsection (2AB) of section 93, which enables the Chief Constable of the CNC to authorise interference with property and wireless telegraphy, where the Chief Constable believes such interference is necessary and proportionate for the purpose of preventing or detecting the use of a UA in the commission of a relevant offence.

132 Paragraph 11(4) inserts into the Police Act 1997 a new subsection (2AC) of section 93. New subsection (2AC) states that an “England and Wales prison authorisation” can only be made for the purpose of preventing or detecting the use of a UA in the commission of a relevant offence.

133 Paragraph 11(5) inserts into the Police Act 1997 a new section (2AD) of section 93. New subsection (2AD) states that a “Northern Ireland prison authorisation” can only be made for the purpose of preventing or detecting the use of a UA in the commission of a relevant offence.

134 Paragraph 11(6) inserts into the Police Act 1997 a new section (2AE) of section 93. New section (2AE) states that a “Scottish penal institution authorisation” can only be made for the purpose of preventing or detecting the use of a UA in the commission of a relevant offence.

- 135 Paragraph 11(7) inserts paragraph (ab) under subsection (3) of section 93 of the Police Act 1997 to enable the application to authorise to be made by a member of the CNC, together with subsection 5(ef), which is inserted into section 93 of the Police Act 1997 by Paragraph 11(12) of this Schedule to define the “authorising officer” as the Chief Constable of the CNC.
- 136 Paragraph 11(8) inserts into the Police Act 1997 a new paragraph (db) to subsection (3) of section 93. This lists in the case of an England and Wales prison authorisation who may make an application under section 93.
- 137 Paragraph 11(9) inserts into the Police Act 1997 a new paragraph (dc) to subsection (3) of section 93. This lists in the case of a Northern Ireland prison authorisation who may make an application under section 93.
- 138 Paragraph 11(10) inserts into the Police Act 1997 a new paragraph (dd) to subsection (3) of section 93. This lists in the case of a Scottish penal institution authorisation who may make an application under section 93.
- 139 Paragraph 11(11) inserts into the Police Act 1997 a new subsection (4A) of section 93, which lists the relevant offences which comprise certain offences in the Prison Act 1952, the Prison Act (Northern Ireland) 1953, equivalent common law offences in Scotland, the Prisons (Scotland) Act 1989, the Aviation and Maritime Security Act 1990, and the ANO 2016. Paragraph 11(11) also inserts into the Police Act 1997 new subsection (4B), which allows the Secretary of State to amend the list of relevant offences in subsection (4A) by means of regulations subject to the affirmative procedure, as stated in new subsection (4C) which is inserted into section 93 by paragraph 11(11).
- 140 Paragraph 11(12) inserts new paragraph 5(ef) into section 93 of the Police Act 1997 to define the “authorising officer” as the Chief Constable of the CNC.
- 141 Paragraph 11(13) inserts into the Police Act 1997 a new paragraph (hb) to subsection (5) of section 93. This allows a member of senior management for prisons in England and Wales designated by the Secretary of State in respect of the relevant England and Wales institution to be an authorising officer for the purposes of section 93.
- 142 Paragraph 11(14) inserts into the Police Act 1997 a new paragraph (hc) to subsection (5) of section 93. This allows a member of senior management for prisons in Northern Ireland whose duties are exercisable in respect of the relevant Northern Ireland institution to be an authorising officer for the purposes of section 93.
- 143 Paragraph 11(15) inserts into the Police Act 1997 a new paragraph (hd) to subsection (5) of section 93. This allows a member of senior management for penal institutions in Scotland designated by the Scottish Ministers in respect of the relevant Scottish penal institution to be an authorising officer for the purposes of section 93.
- 144 Paragraph 11(16) inserts a provision (cbza) under subsection (6) of section 93 of the Police Act 1997 to define the “relevant area” to which this authorisation applies as any place where (under section 56 of the Energy Act 2004) the members of the CNC have the powers and privileges of a constable.
- 145 Paragraph 11(17) inserts into the Police Act 1997 a new paragraph (cbb) to subsection (6) of section 93. This describes the area to which an England and Wales prison authorisation may apply.

- 146 Paragraph 11(18) inserts into the Police Act 1997 a new paragraph (cbc) to subsection (6) of section 93. This describes the area to which a Northern Ireland prison authorisation may apply.
- 147 Paragraph 11(19) inserts into the Police Act 1997 a new paragraph (cbd) to subsection (6) of section 93. This describes the area to which a Scottish penal institution authorisation may apply.
- 148 Paragraph 11(20) inserts a new subsection (8) of section 93. This sets out definitions of an “England and Wales prison authorisation”, a “contracted out institution” in England and Wales, a “contracted out Scottish penal institution”, a “member of senior custodial staff for a juvenile justice centre”, a “member of senior management for penal institutions in Scotland”, a “member of senior management for prisons in England and Wales”, a “member of senior management for prisons in Northern Ireland”, a “Northern Ireland prison authorisation”, a “Northern Ireland prison officer”, a “penal institution”, a “prison” in relation to Northern Ireland, a “prisoner” in relation to a penal institution in Scotland, a “relevant England and Wales institution”, a “relevant Northern Ireland institution”, a “relevant Scottish penal institution”, a “Scottish penal institution authorisation”, a “Scottish prison officer”, and an “unmanned aircraft”.
- 149 Paragraph 12 amends section 94 of the Police Act 1997 (authorisations given in absence of authorising officer).
- 150 Paragraph 12(2) inserts into the Police Act 1997 a new paragraph (ba) to subsection (1) of section 94. This sets out when an urgent case may arise in respect of an England and Wales prison authorisation.
- 151 Paragraph 12(3) inserts into the Police Act 1997 a new paragraph (bb) to subsection (1) of section 94. This sets out when an urgent case may arise in respect of a Northern Ireland prison authorisation.
- 152 Paragraph 12(4) inserts into the Police Act 1997 a new paragraph (bc) to subsection (1) of section 94. This sets out when an urgent case may arise in respect of a Scottish penal institution authorisation.
- 153 Paragraph 12(5) inserts new paragraph (de) under subsection (2) of section 94 of the Police Act 1997 to enable a deputy or assistant chief constable of the CNC to authorise the interference with property and wireless telegraphy in the absence of the Chief Constable of the CNC.
- 154 Paragraph 12(6) inserts into the Police Act 1997 a new paragraph (fb) to subsection (2) of section 94. This describes who may be designated by the Secretary of State to exercise the powers conferred on an authorising officer in an urgent case in respect of an England and Wales prison authorisation.
- 155 Paragraph 12(7) inserts into the Police Act 1997 a new paragraph (fc) to subsection (2) of section 94. This paragraph (fc) describes who may be designated by the Department of Justice in Northern Ireland to exercise the powers conferred on an authorising officer in an urgent case in respect of a Northern Ireland prison authorisation.
- 156 Paragraph 12(8) inserts into the Police Act 1997 a new paragraph (fd) to subsection (2) of section 94. This paragraph (fd) describes who may be designated by the Scottish Ministers to exercise the powers conferred on an authorising officer in an urgent case in respect of a Scottish penal institution authorisation.

- 157 Paragraph 12(9) inserts into the Police Act 1997 a new paragraph (ba) to subsection (4) of section 94. This allows the Secretary of State to designate a member of senior management for prisons in England and Wales as a designated deputy in respect of an England and Wales prison authorisation.
- 158 Paragraph 12(10) inserts into the Police Act 1997 a new paragraph (bb) to subsection (4) of section 94. This allows the Department of Justice in Northern Ireland to designate a member of senior management for prisons in Northern Ireland as a designated deputy in respect of a Northern Ireland prison authorisation.
- 159 Paragraph 12(11) inserts into the Police Act 1997 a new paragraph (bc) to subsection (4) of section 94. This allows the Scottish Ministers to designate a member of senior management for penal institutions in Scotland as a designated deputy in respect of a Scottish penal institution authorisation.
- 160 Paragraph 12(12) inserts into the Police Act 1997 a new subsection (4A) to section 94. This provides for definitions to be consistent with those set out in section 93 in respect of an “England and Wales prison authorisation”, “member of senior management for prisons in England and Wales” and “relevant England and Wales institution”.
- 161 Paragraph 12(13) inserts into the Police Act 1997 a new subsection (4B) to section 94. This provides for definitions to be consistent with those set out in section 93 in respect of a “member of senior management for prisons in Northern Ireland”, “Northern Ireland prison authorisation” and “relevant Northern Ireland institution”.
- 162 Paragraph 12(14) inserts into the Police Act 1997 a new subsection (4C) to section 94. This provides for definitions to be consistent with those set out in section 93 in respect of a “member of senior management for penal institutions in Scotland”, “Scottish penal institution authorisation” and “relevant Scottish penal authorisation”.

## Section 14: Powers of police officers relating to ANO 2016

- 163 Section 14 introduces Schedule 9 which makes provision about police powers relating to requirements in the ANO 2016.

## Schedule 9: Unmanned aircraft: powers of police officers relating to ANO 2016

### *Provision by remote pilots of evidence of competency*

- 164 Paragraph 1(2) confers on a constable the power to require a remote pilot to provide evidence of competency. Paragraph 1(1) requires the constable to have reasonable grounds for believing that a flight by a UA is taking place or has taken place and that the person in question is or was the remote pilot for the flight to exercise this power. The constable must also have reasonable grounds for suspecting that a “relevant competency requirement” is or was applicable. This provision will assist constables in enforcing competency requirements and in investigating any offences or incidents in which a UA has been involved.
- 165 Paragraph 1(3) provides that “relevant competency requirement” is a requirement imposed by or referred to in following provisions of the ANO 2016: article 265B(5)(b), article 265B(5)(c), article 265B(7)(b), article 265B(7)(c), article 265B(8) and article 265E(2)(b)(ii).
- 166 Paragraph 1(4) and (5) provides that a person is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale if they fail to comply with a requirement imposed by a constable under paragraph 1(2). The person will only be guilty of an offence if they are or were the remote pilot and if the relevant competency requirement is or was applicable. Paragraph 1(6) links to a defence which is provided in paragraph 10.

### *Provision by remote pilots of information about UAS operators*

167 Paragraph 2(2) confers on a constable the power to require a remote pilot to provide information as to the identity of the person or persons who are or were the UAS operator for the flight, or the person or persons who made the UA available to the remote pilot. Paragraph 2(1) provides that a constable may exercise this power if they have reasonable grounds for believing that a flight by a UA is taking place or has taken place and that the person in question is the remote pilot, and if they have reasonable grounds for suspecting that a “relevant registration requirement” is or was applicable. This provision will assist constables in enforcing the registration requirement and related offence and in investigating any offences or incidents in which a UA has been involved.

168 Paragraph 2(3) provides that a relevant registration requirement is a requirement imposed or referred to in the following provisions of the ANO 2016: article 265A(5)(a); article 265A(5)(b); article 265A(6)(a); article 265A(6)(b); article 265(7)(a); article 265(7)(b); article 265A(9)(a); article 265A(9)(b); article 265E(1)(a); and article 265E(1)(b).

169 Paragraph 2(4) and (5) provides that a person is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale if they fail to comply with a requirement imposed by a constable under paragraph 2(2). A person will only be guilty of an offence if they are or were the remote pilot, if the relevant registration requirement is or was applicable and if they could have provided information of the kind required when asked. Paragraph 2(6) links to a defence which is provided in paragraph 10.

### *Provision by UAS operators of evidence of registration*

170 Paragraph 3(2) confers on a constable the power to require a UAS operator to provide evidence of registration. Paragraph 2(1) provides that a constable may exercise this power if he or she has reasonable grounds for believing that a flight by a UA is taking place or has taken place and that the person in question is or was the UAS operator, and if they have reasonable grounds for suspecting that a relevant registration requirement is or was applicable. This provision will assist constables in enforcing the registration requirement and in investigating any offences or incidents in which a UA has been involved.

171 Paragraph 3(3) provides that the term “relevant registration requirement” has the same meaning as in paragraph 2 of Schedule 9.

172 Paragraph 3(4) and (5) provides that a person is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale if they fail to comply with a requirement imposed by a constable under paragraph 3(2). A person will only be guilty of an offence, subject to the defence referred to in paragraph 3(6), if they are or were the UAS operator and if the relevant registration requirement is or was applicable.

### *Provision by UAS operators of information about remote pilots*

173 Paragraph 4(2) confers on a constable the power to require a UAS operator to provide information as to the identity of the person or persons who are or were the remote pilot or remote pilots for the flight. Paragraph 4(1) provides that a constable may exercise this power if they have reasonable grounds for believing that a flight by a UA is taking place or has taken place and that the person in question is the UAS operator, and if they have reasonable grounds for suspecting that a relevant competency requirement is or was applicable. This provision will assist constables in enforcing the competency requirement and in investigating any offences or incidents in which a UA has been involved.

174 Paragraph 4(3) provides that the term “relevant competency requirement” has the same meaning as in paragraph 1 of this Schedule.

175 Paragraph 4(4) and (5) provides that a person is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale if they fail to comply with a requirement imposed by a constable under paragraph 4(2). A person will only be guilty of an offence if the relevant competency requirement is or was applicable and if they could have provided information of the kind required when asked to do so by the constable. Paragraph 4(6) links to a defence which is provided in paragraph 10.

#### *Provision by remote pilots or UAS operators of other information etc*

176 Paragraph 5(2) confers on a constable the power to require a person to provide information, documentation or evidence that is of a “specified description”. Paragraph 5(1) provides a constable may exercise this power if they have reasonable grounds for believing that a flight by a UA is taking place or has taken place and that the person in question is or was the remote pilot or the UAS operator.

177 Paragraph 5(3) confers on the Secretary of State a power to, by regulations, prescribe information, documentation or evidence that is of a “specified description” for the purposes of paragraph 5(2). Paragraph 5(4) provides that regulations made under paragraph 5(3) may also set out conditions that must be met before a constable may require a person to provide information, documentation or evidence that is within the “specified description”.

178 Paragraph 5(5) and (6) provides that a person is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale if they fail to comply with a requirement imposed by a constable under paragraph 5(2). A person will only be guilty of an offence if they are or were the remote pilot or UAS operator and if they could have provided information, documentation or evidence of the kind required when asked to do so by the constable. Paragraph 5(7) links to a defence which is provided in paragraph 10.

#### *Provision of evidence of consents for certain flights*

179 Paragraph 6(2) confers on a constable the power to require a person to provide evidence of a “relevant consent” for a flight to take place. Paragraph 6(1) provides that a constable may exercise this power if they have reasonable grounds for believing that a flight is taking place or has taken place and that the person in question is or was the remote pilot or UAS operator, and if they have reasonable grounds for suspecting that a relevant consent is required for the flight to be lawful under the ANO 2016.

180 Paragraph 6(3) provides that “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: article 94A; article 265A(1)(b); article 265A(1)(c); article 265B(1)(b); article 265B(1)(c); and article 265E(3).

181 Paragraph 6(4) and (5) provide that a person is guilty of an offence and liable on conviction to a fine not exceeding level 2 on the standard scale if they fail to comply with a requirement imposed by a constable under paragraph 6(2). A person will only be guilty of an offence if they are or were the remote pilot or UAS operator and if the relevant consent is or was applicable. Paragraph 6(6) links to a defence which is provided in paragraph 10.

#### *Provision of evidence of exemptions for certain flights*

182 Paragraph 7(2) confers on a constable the power to require evidence of an “ANO exemption” for a flight to take place. Paragraph 7(1) provides that a constable may exercise this power if they have reasonable grounds for believing that a flight is taking place or has taken place and that the person in question is or was the remote pilot or UAS operator, and reasonable grounds for suspecting that the flight contravenes a provision of the ANO 2016 in the absence of an exemption.

183 Paragraph 7(3) provides that “ANO exemption” means an exemption under article 266 of the ANO 2016.

184 Paragraph 7(4) provides that the evidence which a constable may require a person to provide includes evidence that an ANO exemption is applicable.

185 Paragraph 7(5) and (6) provides that a person is guilty of an offence and liable on conviction to a fine not exceeding level 2 on the standard scale if they fail to comply with a requirement imposed by a constable under paragraph 7(2). A person will only be guilty of an offence if they are or were the remote pilot or UAS operator and if the ANO exemption is or was applicable. Paragraph 7(7) links to a defence which is provided in paragraph 10.

#### *Power to inspect unmanned aircraft in connection with other powers*

186 Paragraph 8(1) confers on a constable the power to inspect the UA if they consider it would assist to determine whether a power conferred by paragraphs 1 to 7 of this Schedule is exercisable.

187 Paragraph 8(2) is self-explanatory.

188 Paragraph 8(3) and (4) provides that a person who fails to comply with a requirement under this paragraph is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### *Offence of providing false or misleading information*

189 Paragraph 9 makes it an offence to provide false or misleading information and sets out that someone who is guilty of an offence is liable, on summary conviction, to a level 3 fine. This provides an incentive for a person to provide accurate information.

#### *Provision of information etc at a police station*

190 Paragraph 10(1) provides that a person can meet the requirement to produce information by presenting it within seven days of the requirement being imposed or as soon after that period as is reasonably practicable. This allows for reasonable flexibility for those who are compliant with requirements but were unable to provide the required information immediately.

191 Paragraph 10(2) provides a defence where it was not reasonably practicable to provide the required documentation at the nominated police station before the day on which court proceedings commenced, and makes provision for those who are genuinely unable to get to a police station within the required time period.

192 Paragraph 10(3) describes the time at which the proceedings are considered to be commenced for the purposes of paragraph 10(2). This will vary between the jurisdictions of England and Wales, Scotland, and Northern Ireland.

#### *Interpretation*

193 Paragraph 11 defines certain terms used throughout this Schedule and is self-explanatory.

### **Section 15: Fixed penalties for certain offences relating to unmanned aircraft**

194 Section 15 introduces Schedule 10, which contains provisions about fixed penalties.

## Schedule 10: Fixed penalties for certain offences relating to unmanned aircraft

### *Power to issue fixed penalty notices*

- 195 Paragraph 1 of this Schedule gives constables the power to issue FPNs for fixed penalty offences.
- 196 Paragraph 1(2) and (3) gives the constable the power to issue FPNs when the constable believes that the offender did not cause or intend to cause various types of harm or damage when committing the offence. This provision limits the use of FPNs to less serious offending.
- 197 Paragraph 1(2) and (4) gives the constable the power to issue FPNs only when the person can be properly identified by way of their name and address.

### *Fixed penalty offences*

- 198 Paragraph 2(1) gives the Secretary of State the power to prescribe in regulations the offences in relation to which FPNs may be issued. This power will be subject to the affirmative resolution procedure in Parliament the first time it is used, and thereafter the negative resolution procedure, as is set out in section 19 on Regulations.
- 199 Paragraph 2(2) sets out which types of offences may be prescribed as fixed penalty offences for the purpose of this Act.
- 200 Paragraph 2(3) amends the ANO 2016 to provide for FPNs where an offence under the ANO 2016 is prescribed as a fixed penalty offence under this Act.
- 201 Paragraph 2(4) and (5) is self-explanatory.

### *Fixed penalty notices*

- 202 Paragraph 3(1) and (2) sets out the definition of an FPN, the information that must be included in it and the procedure for paying the fixed penalty.
- 203 Paragraph 3(3) provides that two different amounts may be specified in an FPN; if this is the case then only the lower amount is payable if the payment is made within a specified period of not more than 14 days.
- 204 Paragraph 3(4) sets out how fixed penalties that may be made by post may be made, and the time that payment will be regarded as having been made.

### *Effect of fixed penalty notice*

- 205 Paragraph 4 allows a person given an FPN 21 days in which to pay it and avoid being convicted of the offence. The proceedings for the offence cannot begin until after that 21-day period unless the person in receipt of the FPN requests a hearing in respect of the offence.

### *Amount of fixed penalty*

- 206 Paragraph 5 gives the Secretary of State the power to prescribe in regulations the amount of the fixed penalty. The amount prescribed may vary between the offences, and may be adjusted by future amendment to the regulations. This power will be subject to the affirmative resolution procedure in Parliament the first time it is used and thereafter the negative resolution procedure, as is set out in section 19 on Regulations.
- 207 Paragraph 5(2) provides that the amount that may be prescribed is limited. This means that a fixed penalty amount will never exceed half of the maximum fine that would have been payable if the person was convicted for that offence. Provision has also been made in

paragraph 5(2)(b) for the possibility of a future offence attracting an unlimited fine (level 5 on the standard scale for summary offences). As it is not possible for an unlimited amount to be halved, in this scenario an FPN would be set at the amount corresponding to level 4 on the standard scale.

#### *Supplementary provision*

208 Paragraph 6 gives the Secretary of State the power to prescribe further requirements in relation to FPNs by regulations, and provides that these regulations may amend or repeal primary legislation. As is set out in section 19 on Regulations, this power will be subject to the affirmative resolution procedure in Parliament when regulations contain provision amending or repealing provision contained in an Act of Parliament.

#### *Issuing of registration documents*

209 Paragraph 7 sets out when registration documents in relation to FPNs may be issued in England and Wales, Scotland, and Northern Ireland and the related procedures. It also sets out requirements as to the information a registration document must contain. The registration document is a step in the enforcement process that occurs after a person has failed to pay a fixed penalty within the response period, and when that person has not requested a hearing.

#### *Sending of registration documents*

210 Paragraph 8 sets out the procedure for the sending of registration documents when a person is given an FPN and a registration document has been issued. The person to whom the documents are sent varies between the jurisdictions of England and Wales, Scotland, and Northern Ireland. Registration documents will be sent to the designated person in the area where the recipient of the FPN appears to reside, and if there is no relevant recipient in that area, the documents will be sent to the designated person in the area in which the offence was committed. This provision ensures that enforcement is possible against non-residents of the United Kingdom, or against others whose residence is not determined.

#### *Registration of fixed penalty: document sent to designated officer in England and Wales*

211 Paragraph 9 relates to the registration of the fixed penalty document received by a designated officer in England and Wales.

212 Paragraph 9(1) and (2) is self-explanatory.

213 Paragraph 9(3) to (6) provides that when a registration document is received by the designated officer, and the person to whom it relates resides in that area, the officer must register the penalty as a fine in the register of a magistrates' court for that area. If the person to whom it relates does not reside in that area, it will be sent to the appropriate person in the jurisdiction in which that person appears to reside.

214 Paragraph 9(7) to (11) provides that if a registration document is not dealt with under paragraph 9(3) to (6), the designated officer who receives a registration document in relation to an offence committed in that area must register the penalty in the register of a magistrates' court for that area. If the offence was committed elsewhere in England and Wales, or in Scotland or Northern Ireland, the designated officer must send it to the appropriate person in that jurisdiction. The title of that person varies between Scotland, England and Wales, and Northern Ireland.

215 Paragraph 9(12) to (15) provides that, once a fixed penalty is registered as a fine, the recipient of the FPN must be given notice of the registration against them, and sets out the information the notice must contain. It further provides that once the penalty is registered as a fine, it will have effect as a fine imposed by the magistrates' court. The date of registration will be

considered as the date of conviction. Section 85 of the Magistrates' Courts Act 1980 (power to remit a fine in whole or in part) applies to a sum registered in a magistrates' court by virtue of this paragraph.

*Registration of fixed penalty: document sent to clerk in Scotland*

216 Paragraph 10 provides for the registration of the fixed penalty document in Scotland.

217 Paragraph 10(1) and (2) is self-explanatory.

218 Paragraph 10(3) to (6) provides that when a registration document is received by the clerk of a court of summary jurisdiction, and the person it relates to resides in the area of the court, the clerk will register the penalty as a fine for enforcement by that court. If the person to whom it relates does not reside in that area, it will be sent to the appropriate person in the jurisdiction in which that person appears to reside. The title of that person varies between Scotland, England and Wales, and Northern Ireland.

219 Paragraph 10(7) to (11) provides that if a registration document is not dealt with under - paragraph 10(3) to (6), the clerk who receives the registration document in relation to an offence committed in that area must register the penalty as a fine by enforcement of that court. If the person to whom it relates does not reside in that area, it will be sent to the appropriate person in the jurisdiction in which that person appears to reside.

220 Paragraph 10(12) and (13) provides that, once a fixed penalty is registered as a fine, the recipient of the FPN must be given notice of the registration against them, and set out the information the notice must contain.

221 Paragraph 10(14) provides that once the penalty is registered as a fine, it will have effect as a fine imposed by the court for the purposes of any enactment referring to such a fine. The date of registration will be considered as the date of conviction.

222 Paragraph 10(15) provides that an enactment referred to in 10(14) includes those made by the Scottish Parliament.

*Registration of fixed penalty: document sent to clerk of petty sessions in Northern Ireland*

223 Paragraph 11 provides for the registration of the fixed penalty document in Northern Ireland.

224 Paragraph 11(1) and (2) is self-explanatory.

225 Paragraph 11(3) to (5) provides that when a registration document is received by the clerk of petty sessions, and the person it relates to resides in the area of the court, the clerk will register the penalty as a fine for enforcement by entering it in the Order Book of a court of summary jurisdiction. If the person to whom it relates does not reside in that area, it will be sent to the appropriate person in the jurisdiction in which that person appears to reside.

226 Paragraph 11(6) to (9) provides that if a registration document is not dealt with under paragraph 11(3) to (5), the clerk who receives the registration document in relation to an offence committed in that area must register the penalty as a fine by enforcement by entering it in the Order Book of a court of summary jurisdiction. If the person to whom it relates does not reside in that area, it will be sent to the appropriate person in the jurisdiction in which that person appears to reside.

227 Paragraph 11(10) to (12) provides that, once a fixed penalty is registered as a fine, the recipient of the FPN must be given notice of the registration, and set out the information the notice must contain. They further provide that, once the penalty is registered as a fine, it will have effect as if the amount registered were a fine imposed by the court on the conviction of the recipient on the date of the registration.

228 Paragraph 11(13) and (14) provides that the clerk of petty sessions must refer the case to a district judge at a magistrates' court. The judge will then decide whether to make a collection order and, if the order is made without a court hearing, the date by which the fine is due must be the same as the date specified in the notice of registration, unless the court directs otherwise.

229 Paragraph 11(15) is self-explanatory.

#### *Bodies corporate and the Crown*

230 Paragraph 12(1) explains the procedure for an FPN if it is issued to a corporate body. If an FPN is issued to a corporate body, their registered or principal office is their address and the place where they reside.

231 Paragraph 12(2) provides that an FPN may not be given to the Crown when the Crown is immune from liability in relation to the offence.

#### *Interpretation*

232 Paragraph 13 is self-explanatory.

### **Section 16: Amendment and enforcement regulations**

233 Section 16 introduces Schedule 11 which makes provision about the amendment of provisions that relate to offences in consequence of "relevant subordinate legislation", and makes provision for the enforcement of particular EU-derived legislation, including provision for criminal offences and civil penalties.

### **Schedule 11: Amendment and enforcement regulations**

#### **Part 1: Amendment of provisions that relate to offences**

##### *Amendments in consequence of relevant subordinate legislation*

234 Paragraph 1(1) provides that the power to make Air Navigation Orders in section 60 of the Civil Aviation Act 1982 includes the power to amend the Act. Paragraph 1(2) provides a power for the Secretary of State to amend the Act by regulations. Paragraph 1(3) and (4) sets out what amendments may be made to the Act using the powers in paragraph 1(1) and (2) and authorises certain amendments to Schedule 8, section 14 and Schedule 9 of the Act when this is appropriate due to developments in "relevant subordinate legislation".

235 Paragraph 1(4)(c) provides that section 14 and Schedule 9 may be amended to confer a police power that corresponds to a power conferred by Schedule 9 as enacted. Paragraph 1(5) and (6) sets out the circumstances in which Schedule 9 may be amended for this purpose. Amendments under paragraph 1(4)(c) are limited to conferring police powers which relate to the same subject matter as currently provided for in Schedule 9. Paragraph 1(6) makes it clear that such new police powers may authorise the use of reasonable force and that amendments to the Act may provide for related offences, including offences of providing false or misleading information.

236 Paragraph 1(7) provides the definition of terms used in this paragraph and is self-explanatory.

#### *Parliamentary procedure*

237 Paragraph 2 amends Part 2 of Schedule 13 of the Civil Aviation Act 1982 in order to provide that the Parliamentary procedure for amendments to Schedule 8, section 14 and Schedule 9 of the Act which are authorised by paragraph 1(3)(b), (4)(b) or (c) will be the affirmative resolution procedure; such provisions therefore must be actively approved by both Houses of

Parliament. For any other amendments made under paragraph 1, the negative resolution procedure will apply.

## **Part 2: Enforcement of particular EU-derived legislation**

### *Regulations providing for criminal offences or civil penalties*

238 Paragraph 3 gives the Secretary of State a new power to make regulations providing for criminal offences and civil penalties in relation to any “relevant legislation”. Paragraph 3(2) limits this power. Regulations made under this power may not provide for offences to be triable only on indictment. In terms of penalties, regulations may not authorise any term of imprisonment or any fine exceeding the statutory maximum for a conviction following a summary trial. For convictions on indictment, regulations may not authorise a term of imprisonment exceeding two years. Paragraph 3(3) limits the statutory maximum for a civil penalty such that it cannot exceed the amount of a fine at level 4 on the standard scale.

239 Paragraph 3(4) states that where a civil penalty is imposed, the regulations must also include provision for a right of appeal to a court or tribunal. Paragraph 3(5) sets out further details about the matters which regulations providing for such an appeal may include such as the manner in which such an appeal may be made, including the jurisdiction of the court or tribunal, the grounds, the procedure, the suspension of the imposition of the penalty pending determination, the powers of the court or tribunal, and the method by which any sum payable in pursuance of a decision of the court or tribunal is to be recovered. The potential breadth of the powers of the court or tribunal to which an appeal is made is further clarified by paragraph 3(6) which provides that these may include provision to confirm and to withdraw the penalty, to vary the amount of the penalty, and to award costs.

240 Paragraph 3(7) makes it clear that paragraph 3 does not limit the provision that may be made by an Air Navigation Order made under section 60 of the Civil Aviation Act 1982.

241 Paragraph 3(8) is self-explanatory.

242 When the power conferred by paragraph 3(1) is exercised to create criminal offences as permitted by paragraph 3(1)(a), the regulations will be subject to an affirmative resolution procedure in Parliament, as set out in section 19(3)(f) of the Act. When the power is exercised to create civil penalties, the regulations will be subject to the negative resolution procedure in Parliament.

## **Part 3: Interpretation**

### *Interpretation*

243 The definitions in paragraph 4 are self-explanatory. Paragraph 4 also provides that a reference to “UK Delegated Regulation”, “UK Implementing Regulation” or UK Basic Regulation” in Schedule 11 is a reference to the relevant EU Regulation as retained (and amended from time to time) in domestic law.

## **Section 17: Disclosures of information**

244 This section facilitates the disclosure of information under provisions in Part 3 of the Act, provided that such disclosure does not contravene data protection legislation or the Investigatory Powers Act 2016.

## **Section 18: Interpretation**

245 The section is self-explanatory.

## Part 4: General

### Section 19: Regulations

246 Regulations under this Act will be made by statutory instrument. This section sets out which regulations are subject to the affirmative resolution procedure, and which are subject to the negative resolution procedure.

### Section 20: Extent

247 Section 20 provides that 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.

### Section 21: Commencement

248 Section 21(1) sets out which provisions in the Act will come into force immediately when the Act is passed for the purpose of making regulations.

249 Section 21(2) sets out which provisions in the Act come into force two months after the Act is passed.

250 Section 21(3) provides that the Act will otherwise come into force on the date set out in regulations. This provides for flexibility in relation to the coming into force date of the provisions.

251 Section 21(4) provides that different days may be appointed for different purposes.

252 Section 21(5) provides for transitional, transitory or saving provision to be made in connection with the coming into force of any provision of the Act.

253 Section 21(6) provides that the power to make regulations under subsection (5) includes power to make different provision for different purposes.

254 Section 21(7) states that the Regulations made under section 20 are to be made by statutory instrument.

### Section 22: Short title

255 Section 22 states that the Act may be cited as the Air Traffic Management and Unmanned Aircraft Act 2021.

### Parliamentary approval for financial costs or for charges imposed

256 A ways and means resolution was required for the Act because the Act provides for certain sums received by the CAA to be paid into the Consolidated Fund. Under section 10(5) and paragraph 10(4) of Schedule 2, sums received by the CAA by way of penalties or interest are to be paid into the Consolidated Fund.

## Related documents

257 The following documents are relevant to the Act:

- The ANO 2016 and the subsequent 2018, 2019 and 2020 amendments.  
ANO 2016: <http://www.legislation.gov.uk/uksi/2016/765/contents/made>  
2018 amendment: <https://www.legislation.gov.uk/uksi/2018/623/made>  
2019 amendment: <https://www.legislation.gov.uk/uksi/2019/261/made>  
2020 amendment: <https://www.legislation.gov.uk/uksi/2020/1555/made>
- Department for Transport consultation: Taking Flight: The Future of Drones in the UK.  
Consultation document:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/729458/taking-flight-the-future-of-drones-in-the-uk.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729458/taking-flight-the-future-of-drones-in-the-uk.pdf)  
Government response:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/771673/future-of-drones-in-uk-consultation-response-web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771673/future-of-drones-in-uk-consultation-response-web.pdf)
- Department for Transport consultation: *Modernising the licensing framework for air traffic services*  
Consultation document:  
<https://www.gov.uk/government/consultations/modernising-the-licensing-framework-for-air-traffic-services>  
Government response:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590630/modernising-licensing-framework-air-traffic-services-government-consultation-response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/590630/modernising-licensing-framework-air-traffic-services-government-consultation-response.pdf)
- Department for Transport Consultation: *Aviation 2050 – the future of UK Aviation*.  
Consultation document:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/769695/aviation-2050-web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/769695/aviation-2050-web.pdf)  
Government response:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841247/consultation-response-on-legislation-for-enforcing-the-development-of-airspace-change-proposals.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841247/consultation-response-on-legislation-for-enforcing-the-development-of-airspace-change-proposals.pdf)

*These Explanatory Notes relate to the Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12) which received Royal Assent on 29 April 2021*

- Home Office consultation: *Stop and Search: Extending police powers to cover offences relating to unmanned aircraft (drones), laser pointers and corrosive substances.*

Consultation document:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/739629/06\\_09\\_18\\_Stop\\_and\\_Search\\_Consultation\\_Document\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739629/06_09_18_Stop_and_Search_Consultation_Document_.pdf)

Government response:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/780367/ss\\_consultation\\_gov\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/780367/ss_consultation_gov_response.pdf)

- Policy Impact Assessment: Introduction of police powers and stop and search for unmanned aircraft misuse:

<https://publications.parliament.uk/pa/bills/lbill/58-01/010/5801010-IA-Police-Powers.pdf>

- Delegated Powers Memorandum and Supplementary Delegated Powers Memorandum

- Delegated Powers Memorandum:

<https://publications.parliament.uk/pa/bills/lbill/58-01/010/5801010-DPM.pdf>

- Supplementary Delegated Powers Memorandum:

<https://publications.parliament.uk/pa/bills/lbill/58-01/098/5801098-DPMSupplementary.pdf>

## Annex A – Hansard References

258 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Lords</i>		
Introduction	09 January 2020	<a href="#">Vol. 801</a>
Second Reading	27 January 2020	<a href="#">Vol. 801 Col. 1265</a>
Committee	10 February 2020	<a href="#">First sitting Vol. 801 Col. 2076</a>
	12 February 2020	<a href="#">Second sitting Vol. 801 Col. 2269</a>
Report	21 January 2021	<a href="#">Vol. 809. Col. 1307</a>
Third Reading	28 January 2021	<a href="#">Vol. 809. Col. 1790</a>
<i>House of Commons</i>		
Introduction	28 January 2021	Not referenced
Second Reading	2 February 2021	<a href="#">Vol. 688. Col. 887</a>
Public Bill Committee	9 February 2021	<a href="#">First sitting Col. 1</a>
Report and Third Reading	22 March 2021	<a href="#">Vol. 691 Col. 722</a>
Lords Consideration of Commons Amendments	20 April 2021	<a href="#">Vol. 811 Col. 1732</a>
Royal Assent	29 April 2021	<a href="#">House of Lords Vol. 811</a>
		<a href="#">House of Commons Vol. 693</a>

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## Annex B – Progress of Bill Table

259 This Annex shows how each section and Schedule of the Act was numbered during the passage of the Bill through Parliament.

<b>Section of the Act</b>	<b>Bill as Introduced in the Lords</b>	<b>Bill as amended in Committee in the Lords</b>	<b>Bill as amended on Report in the Lords</b>	<b>Bill as introduced in the Commons</b>	<b>Bill as amended in Committee in the Commons</b>
Section 1 - 11	Clause 1 - 11	Clause 1 - 11	Clause 1 - 11	Clause 1 - 11	Clause 1 - 11
Section 12			Clause 12	Clause 12	Clause 12
Section 13 - 22	Clause 12 - 21	Clause 12 - 21	Clause 13 - 22	Clause 13 - 22	Clause 13 - 22
Schedule 1 - 11	Schedule 1 - 11	Schedule 1 - 11	Schedule 1 - 11	Schedule 1 - 11	Schedule 1 - 11

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