

SCHEDULES

SCHEDULE 10

Section 15

FIXED PENALTIES FOR CERTAIN OFFENCES RELATING TO UNMANNED AIRCRAFT

Power to issue fixed penalty notices

- 1
- (1) This paragraph applies where a constable has reason to believe that a person (P) aged 18 or over is committing, or has committed, a fixed penalty offence.

(2) The constable may give P a fixed penalty notice in respect of the fixed penalty offence if Condition A and Condition B are met.

(3) Condition A: the constable believes that P did not, and did not intend to—

(a) endanger any other aircraft (whether or not an unmanned aircraft),

(b) cause any person harm, harassment, alarm or distress,

(c) cause any person occupying any premises nuisance or annoyance relating to their occupation of the premises,

(d) undermine security or good order and discipline in any prison or in any other institution where persons are lawfully detained,

(e) disturb public order, or

(f) damage property (including land or buildings),

when committing the fixed penalty offence.

(4) Condition B: the constable obtains P's name and address.

Commencement Information

- I1

Sch. 10 para. 1 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I2

Sch. 10 para. 1 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), reg. 2(1)

Fixed penalty offences

- 2
- (1) The Secretary of State may, by regulations, prescribe offences as fixed penalty offences for the purposes of this Schedule.

(2) The Secretary of State may prescribe an offence only if it is—

(a) an offence under Part 3 of this Act, or

(b) an offence relating to unmanned aircraft under subordinate legislation, which is triable summarily or triable either way.

(3) After article 265F of the ANO 2016 insert—

Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10. (See end of Document for details)

Fixed penalty offences

“265G In the case of an offence under any provision of this Order which is prescribed under paragraph 2(2) of Schedule 10 to the Air Traffic Management and Unmanned Aircraft Act 2021, this Order has effect subject to Schedule 10 to that Act (fixed penalties for certain offences relating to unmanned aircraft).”

- (4) That provision inserted into the ANO 2016 may be amended or revoked as if made by an Air Navigation Order.
- (5) In this paragraph “Air Navigation Order” means an Order in Council under section 60 of the Civil Aviation Act 1982.

Commencement Information

- I3** Sch. 10 para. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I4** Sch. 10 para. 2 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748, reg. 2\(1\)](#)

Fixed penalty notices

- 3 (1) A “fixed penalty notice” is a notice offering the opportunity of the discharge of any liability to conviction of the fixed penalty offence to which the notice relates by payment of a fixed penalty in accordance with this Schedule.
- (2) A fixed penalty notice must—
 - (a) give reasonable particulars of the circumstances alleged to constitute the fixed penalty offence;
 - (b) state the period during which (because of paragraph 4) proceedings will not be instituted for the offence;
 - (c) specify the amount of the fixed penalty;
 - (d) state the name and address of the person to whom the fixed penalty may be paid;
 - (e) specify permissible methods of payment (which may include payment by cash);
 - (f) specify permissible means by which a payment may be made (which may include payment by post).
- (3) A fixed penalty notice may specify two amounts under sub-paragraph (2)(c) and specify that, if the lower of those amounts is paid within a specified period of not more than 14 days, that is the amount of the fixed penalty.
- (4) Where a fixed penalty notice specifies that payment of a fixed penalty may be made by post using a specified method of payment—
 - (a) payment may be made by pre-paying and posting to the person whose name is stated under sub-paragraph (2)(d), at the stated address, a letter containing the amount of the penalty that is paid by the specified method;
 - (b) where that is done, payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10. (See end of Document for details)

Commencement Information

- I5** Sch. 10 para. 3 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
I6 Sch. 10 para. 3 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(l\)](#)

Effect of fixed penalty notice

- 4 (1) This paragraph applies if a person (P) is given a fixed penalty notice in respect of a fixed penalty offence.
- (2) No proceedings may be instituted for the offence during the 21 day response period.
- (3) But that prohibition ceases to apply if, during the 21 day response period, P has given notice requesting a hearing in respect of the offence in the manner specified in the fixed penalty notice.
- (4) P may not be convicted of the offence if P pays the fixed penalty during the 21 day response period.
- (5) In this paragraph “21 day response period” means the period of 21 days beginning with the day after the day on which the fixed penalty notice is given.

Commencement Information

- I7** Sch. 10 para. 4 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
I8 Sch. 10 para. 4 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(l\)](#)

Amount of fixed penalty

- 5 (1) The fixed penalty for a fixed penalty offence is to be prescribed by the Secretary of State by regulations; and where two amounts are specified in accordance with paragraph 3(3), the higher of those amounts must be the prescribed fixed penalty.
- (2) The fixed penalty prescribed for a fixed penalty offence may not exceed—
- (a) one half of the maximum amount of the fine to which a person committing that offence would be liable on summary conviction, or
 - (b) where there is no such maximum amount, the amount corresponding to level 4 on the standard scale for summary offences.

Commencement Information

- I9** Sch. 10 para. 5 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
I10 Sch. 10 para. 5 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(l\)](#)

Supplementary provision

- 6 (1) The Secretary of State may, by regulations, make—
- (a) provision about the form of, and information to be included in, fixed penalty notices;

Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10. (See end of Document for details)

- (b) provision about the consequences of providing false statements in connection with fixed penalty notices, including provision creating criminal offences;
 - (c) provision about procedure after a fixed penalty notice is given, including provision about appeals.
- (2) Regulations under this paragraph may amend or repeal provision contained in an Act of Parliament.

Commencement Information

- I11** Sch. 10 para. 6 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I12** Sch. 10 para. 6 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748, reg. 2\(1\)](#)

Issuing of registration documents

- 7 (1) This paragraph applies if, by the end of the 21 day response period, the person (P) given the fixed penalty notice has not—
- (a) paid the penalty specified in the fixed penalty notice, or
 - (b) requested a hearing.
- (2) If the fixed penalty notice was issued in respect of an offence committed in England and Wales, the chief officer of police may, in respect of the penalty specified in the fixed penalty notice, issue a registration document.
- (3) If the fixed penalty notice was issued in respect of an offence committed in Scotland, the chief officer of police must issue a registration document.
- (4) If the fixed penalty notice was issued in respect of an offence committed in Northern Ireland, the chief officer of police may, in respect of the penalty specified in the fixed penalty notice, issue a registration document.
- (5) In this Schedule “registration document” means a document which—
- (a) states that the penalty specified in the fixed penalty notice is registrable for enforcement against P as a fine,
 - (b) gives particulars of the offence to which the fixed penalty notice relates, and
 - (c) states the name and last known address of P and the amount of the penalty specified in the fixed penalty notice.
- (6) In this paragraph—
- “chief officer of police”, in relation to a fixed penalty notice, means the chief officer of the police force in which the constable who gave the notice serves;
 - “21 day response period” has the meaning given in paragraph 4(5).

Commencement Information

- I13** Sch. 10 para. 7 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I14** Sch. 10 para. 7 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748, reg. 2\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10. (See end of Document for details)

Sending of registration documents

- 8 (1) Where—
- (a) a person (P) is given a fixed penalty notice in respect of a fixed penalty offence, and
 - (b) a registration document is issued by a person (R) under paragraph 7 in respect of the penalty specified in the fixed penalty notice,
- R must cause the registration document to be sent to the relevant recipient.
- (2) If P appears to R to reside in England and Wales, the relevant recipient is the designated officer for the local justice area in which P appears to R to reside.
 - (3) If P appears to R to reside in Scotland, the relevant recipient is the clerk of a court of summary jurisdiction for the area in which P appears to R to reside.
 - (4) If P appears to R to reside in Northern Ireland, the relevant recipient is the clerk of petty sessions.
 - (5) If there is no relevant recipient under any of sub-paragraphs (2) to (4), the relevant recipient is to be determined under sub-paragraphs (6) to (8).
 - (6) If the fixed penalty offence was committed in England and Wales, the relevant recipient is the designated officer for the local justice area in which the offence was committed.
 - (7) If the fixed penalty offence was committed in Scotland, the relevant recipient is the clerk of a court of summary jurisdiction for the area in which the offence was committed.
 - (8) If the fixed penalty offence was committed in Northern Ireland, the relevant recipient is the clerk of petty sessions.

Commencement Information

I15 Sch. 10 para. 8 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I16 Sch. 10 para. 8 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748, reg. 2\(1\)](#)

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

- 9 (1) Where the designated officer for a local justice area (D) receives a registration document in respect of the penalty specified in a fixed penalty notice given to a person (P) the registration document must be dealt with in accordance with this paragraph.
- (2) That duty applies whether D receives the registration document under paragraph 8, this paragraph or paragraph 10 or 11.
 - (3) If it appears to D that P resides in the local justice area for which D is the designated officer, D must register the amount of the penalty as a fine in that area by entering it in the register of a magistrates' court acting in that area.
 - (4) If it appears to D that P resides in any other local justice area in England and Wales, D must send the registration document to the designated officer for that area.

Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10. (See end of Document for details)

- (5) If it appears to D that P resides in Scotland, D must send the registration document to the clerk of a court of summary jurisdiction for the area in which P appears to D to reside.
- (6) If it appears to D that P resides in Northern Ireland, D must send the registration document to the clerk of petty sessions.
- (7) If the registration document is not dealt with under any of sub-paragraphs (3) to (6), it must be dealt with under sub-paragraphs (8) to (11).
- (8) If the fixed penalty offence was committed in the local justice area for which D is the designated officer, D must register the amount of the penalty as a fine in that area by entering it in the register of a magistrates' court acting in that area.
- (9) If the fixed penalty offence was committed in any other local justice area in England and Wales, D must send the registration document to the designated officer for that area.
- (10) If the fixed penalty offence was committed in Scotland, D must send the registration document to the clerk of a court of summary jurisdiction for the area in which the offence was committed.
- (11) If the fixed penalty offence was committed in Northern Ireland, D must send the registration document to the clerk of petty sessions.
- (12) If D registers the amount of the penalty as a fine under this paragraph, D must give P notice of the registration.
- (13) The notice must—
 - (a) specify the amount of the penalty registered, and
 - (b) give the information with respect to the fixed penalty offence, and the authority for registration, which was included in the registration document under paragraph 7.
- (14) On the registration of the amount of the penalty as a fine under this paragraph, any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of a magistrates' court is to have effect in the case in question as if the amount so registered were a fine imposed by the magistrates' court on the conviction of P on the date of the registration.
- (15) Accordingly, in the application by virtue of this paragraph of the provisions of the Magistrates' Courts Act 1980 relating to the satisfaction and enforcement of sums adjudged to be paid on the conviction of a magistrates' court, section 85 of that Act (power to remit a fine in whole or in part) is not excluded by subsection (2) of that section (references in that section to a fine not to include any other sum adjudged to be paid on a conviction) from applying to a sum registered in a magistrates' court by virtue of this paragraph.

Commencement Information

I17 Sch. 10 para. 9 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I18 Sch. 10 para. 9 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(1\)](#)

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10. (See end of Document for details)*

Registration of fixed penalty: document sent to clerk in Scotland

- 10 (1) Where the clerk of a court of summary jurisdiction (C) receives a registration document in respect of the penalty specified in a fixed penalty notice given to a person (P), the registration document must be dealt with in accordance with this paragraph.
- (2) That duty applies whether C receives the registration document under paragraph 8 or 9, this paragraph or paragraph 11.
- (3) If it appears to C that P resides in the area of the court, C must register the amount of the penalty for enforcement as a fine by that court.
- (4) If it appears to C that P resides in Scotland but not in the area of C's court, C must send the registration document to the clerk of a court of summary jurisdiction for the area in which P appears to reside.
- (5) If it appears to C that P resides in England and Wales, C must send the registration document to the designated officer for the local justice area in which P appears to C to reside.
- (6) If it appears to C that P resides in Northern Ireland, C must send the registration document to the clerk of petty sessions.
- (7) If the registration document is not dealt with under any of sub-paragraphs (3) to (6), it must be dealt with under sub-paragraphs (8) to (11).
- (8) If the fixed penalty offence was committed in the area of the court, C must register the amount of the penalty for enforcement as a fine by that court.
- (9) If the fixed penalty offence was committed in Scotland but not in the area of C's court, C must send the registration document to the clerk of a court of summary jurisdiction for the area in which the offence was committed.
- (10) If the fixed penalty offence was committed in England and Wales, C must send the registration document to the designated officer for the local justice area in which the offence was committed.
- (11) If the fixed penalty offence was committed in Northern Ireland, C must send the registration document to the clerk of petty sessions.
- (12) If C registers the amount of the penalty for enforcement as a fine under this paragraph, C must give P notice of the registration.
- (13) The notice must—
- (a) specify the amount of the penalty registered, and
 - (b) give the information with respect to the fixed penalty offence, and the authority for registration, which was included in the registration document under paragraph 7.
- (14) On the registration of the amount of the penalty for enforcement as a fine by a court of summary jurisdiction, any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of a court of summary jurisdiction is to have effect in the case in question as if the amount so registered were a fine imposed by the court of summary jurisdiction on the conviction of P on the date of the registration.

Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10. (See end of Document for details)

- (15) The reference in sub-paragraph (14) to any enactment includes any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

Commencement Information

I19 Sch. 10 para. 10 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

I20 Sch. 10 para. 10 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(l\)](#)

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

- 11 (1) Where the clerk of petty sessions (C) receives a registration document in respect of the penalty specified in a fixed penalty notice given to a person (P), the registration document must be dealt with in accordance with this paragraph.
- (2) That duty applies whether C receives the registration document under paragraph 8, 9 or 10.
- (3) If it appears to C that P resides in Northern Ireland, C must register the amount of the penalty for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.
- (4) If it appears to C that P resides in England and Wales, C must send the registration document to the designated officer for the local justice area in which P appears to C to reside.
- (5) If it appears to C that P resides in Scotland, C must send the registration document to the clerk of a court of summary jurisdiction for the area in which P appears to C to reside.
- (6) If the registration document is not dealt with under any of sub-paragraphs (3) to (5), it must be dealt with under sub-paragraphs (7) to (9).
- (7) If the fixed penalty offence was committed in Northern Ireland, C must register the amount of the penalty for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.
- (8) If the fixed penalty offence was committed in England and Wales, C must send the registration document to the designated officer for the local justice area in which the offence was committed.
- (9) If the fixed penalty offence was committed in Scotland, C must send the registration document to the clerk of a court of summary jurisdiction for the area in which the offence was committed.
- (10) If C registers the amount of the penalty for enforcement as a fine under this paragraph, C must give P notice of the registration.
- (11) The notice must—
- (a) specify the amount of the penalty registered,
 - (b) require payment of it by such date, not less than 28 days from the date of registration, as may be specified in the notice, and
 - (c) give the information with respect to the fixed penalty offence, and the authority for registration, which was included in the registration document under paragraph 7.

Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10. (See end of Document for details)

- (12) On the registration of any amount in the Order Book of a court of summary jurisdiction by virtue of this paragraph, any enactment referring (in whatever terms) to a fine imposed or other sum adjudged to be paid on the conviction of such a court is to have effect in the case in question as if the amount so registered were a fine imposed by that court on the conviction of P on the date of the registration.
- (13) The clerk of petty sessions must refer the case to a district judge (magistrates' courts) for the judge to consider whether to make a collection order; and the order may be made without a court hearing.
- (14) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under sub-paragraph (11) (b).
- (15) In this paragraph “collection order” means an order under section 3 of the Justice Act (Northern Ireland) 2016.

Commencement Information

- I21** Sch. 10 para. 11 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I22** Sch. 10 para. 11 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(l\)](#)

Bodies corporate & the Crown

- 12 (1) For the purposes of this Schedule, where a fixed penalty notice is given to a body corporate, the place where that body resides and the address of that body are the registered or principal office of that body.
- (2) Nothing in this Schedule authorises a fixed penalty notice to be given in respect of the commission of a fixed penalty offence if, by virtue of any immunity of the Crown, no liability to a penalty for commission of the offence would arise.

Commencement Information

- I23** Sch. 10 para. 12 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I24** Sch. 10 para. 12 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(l\)](#)

Interpretation

- 13 In this Schedule—
- “court of summary jurisdiction”, in relation to Scotland, has the same meaning as in section 307(1) of the Criminal Procedure (Scotland) Act 1995;
- “fixed penalty notice” has the meaning given in paragraph 3(1);
- “fixed penalty offence” means an offence prescribed under paragraph 2(1).

Commencement Information

- I25** Sch. 10 para. 13 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

Changes to legislation: *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10. (See end of Document for details)*

I26 Sch. 10 para. 13 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), **reg. 2(l)**

Changes to legislation:

There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 10.