
Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 11. (See end of Document for details)

SCHEDULES

SCHEDULE 11

Section 16

AMENDMENT AND ENFORCEMENT REGULATIONS

PART 1

AMENDMENT OF PROVISIONS THAT RELATE TO OFFENCES

Amendments in consequence of relevant subordinate legislation

- 1 (1) The power to make Air Navigation Orders includes power to make any amendment of this Act which is authorised by sub-paragraph (3) or (4).
- (2) The Secretary of State may by regulations make any amendment of this Act which is authorised by sub-paragraph (3) or (4).
- (3) The Order in Council or regulations may make such amendments of Schedule 8 as the appropriate authority considers appropriate for or in connection with—
- (a) maintaining the effect of a provision of that Schedule in a case where it would otherwise cease to be effective because of provision made in any relevant subordinate legislation; or
 - (b) extending a provision of that Schedule to apply to an offence relating to unmanned aircraft under relevant subordinate legislation to which the provision does not already apply.
- (4) The Order in Council or regulations may make such amendments of section 14 and Schedule 9 as the appropriate authority considers appropriate for or in connection with—
- (a) maintaining the effect of a provision of that section or Schedule in a case where it would otherwise cease to be effective because of provision made in any relevant subordinate legislation;
 - (b) extending a provision of that section or Schedule to apply to an offence relating to unmanned aircraft under relevant subordinate legislation to which the provision does not already apply; or
 - (c) conferring, in consequence of provision made in any relevant subordinate legislation, a police power that corresponds to a power conferred by Schedule 9 as enacted.
- (5) For the purposes of sub-paragraph (4)(c) each of the following police powers “corresponds to a power conferred by Schedule 9 as enacted”—
- (a) a power to require a person who the constable has reasonable grounds for believing is or was the remote pilot of an unmanned aircraft for a flight (“A”) —

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- (i) to provide information, documentation or other evidence relating to A's compliance with any requirement relating to A's competency to be the remote pilot of the unmanned aircraft for the flight;
 - (ii) to provide information relating to the identity of a person who is or was the UAS operator of the unmanned aircraft, or made the unmanned aircraft available to A, for the flight;
 - (iii) to provide information, documentation or other evidence relating to the existence of a consent which is or was required for the flight; or
 - (iv) to provide information, documentation or other evidence relating to the application to the flight of an exemption from a requirement which would otherwise be applicable to the flight;
- (b) a power to require a person who the constable has reasonable grounds for believing is or was the UAS operator of an unmanned aircraft for a flight (“B”)—
- (i) to provide information, documentation or other evidence relating to B's compliance, as respects the flight, with any requirement relating to registration of B as the UAS operator of the unmanned aircraft;
 - (ii) to provide information, documentation or other evidence relating to B's compliance, as respects the flight, with any requirement relating to registration of the unmanned aircraft;
 - (iii) to provide information relating to the identity of a person who is or was the remote pilot of the unmanned aircraft for the flight;
 - (iv) to provide information, documentation or other evidence relating to the existence of a consent which is or was required for the flight;
 - (v) to provide information, documentation or other evidence relating to the application to the flight of an exemption from a requirement which would otherwise be applicable to the flight;
- (c) a power to require a person who is in possession of an unmanned aircraft to allow the constable to inspect it—
- (i) if the constable considers that the inspection would assist the constable in deciding whether any other power conferred by Schedule 9 is exercisable;
 - (ii) for the purpose of checking whether a requirement to display any number, mark or information on the unmanned aircraft is being complied with.
- (6) The provision that may be made under sub-paragraph (4)(c) in connection with conferring a police power includes—
- (a) provision authorising a constable to use reasonable force in the exercise of the power;
 - (b) provision for a person to be guilty of an offence if the person—
 - (i) does not comply with a requirement imposed by a constable in the exercise of the power, or
 - (ii) knowingly or recklessly provides a constable exercising the power with information, documentation or evidence that is false or misleading in a material respect.
- (7) In this paragraph—
- “appropriate authority” means—
 - (a) Her Majesty, in relation to an Air Navigation Order;

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- (b) the Secretary of State, in relation to regulations;
“relevant subordinate legislation” means—
 - (a) an Air Navigation Order;
 - (b) regulations made under paragraph 3 of this Schedule;
 - (c) regulations made under Article 57 or 58 of the UK Basic Regulation;
 - (d) regulations made under Article 15 of the UK Implementing Regulation;
- “remote pilot”, in relation to an unmanned aircraft, means a person (however described) conducting the flight of the unmanned aircraft (including a person who is a remote pilot within the meaning of the ANO 2016 — see Schedule 1 to the ANO 2016);
- “UAS operator”, in relation to an unmanned aircraft, means a person (however described) who is the operator of the unmanned aircraft (including a person who is a UAS operator within the meaning of the ANO 2016 — see Schedule 1 to the ANO 2016).

Parliamentary procedure

- 2 In the table in Part 2 of Schedule 13 to the Civil Aviation Act 1982, in the entry relating to section 60 (which sets out the Parliamentary procedure applicable to Air Navigation Orders), in the third column, after “section 60(3)(r)” (provision that is subject to affirmative resolution procedure) insert “ or makes, under paragraph 1(1) of Schedule 11 to the Air Traffic Management and Unmanned Aircraft Act 2021, provision authorised by paragraph 1(3)(b) or (4)(b) or (c) of that Schedule; ”.

PART 2

ENFORCEMENT OF PARTICULAR EU-DERIVED LEGISLATION

Regulations providing for criminal offences or civil penalties

- 3 (1) The Secretary of State may, for the purpose of securing compliance with any relevant legislation, make regulations providing—
- (a) subject to sub-paragraph (2), for persons to be guilty of offences in such circumstances as may be specified in the regulations and to be liable on conviction of those offences to such penalties as may be so specified;
 - (b) for the imposition of civil penalties in such circumstances as may be specified in the regulations.
- (2) The power conferred by sub-paragraph (1)(a) does not include power—
- (a) to provide for offences to be triable only on indictment;
 - (b) to authorise the imposition, on summary conviction of any offence, of any term of imprisonment or of a fine exceeding the statutory maximum;
 - (c) to authorise the imposition, on conviction on indictment of an offence, of a term of imprisonment exceeding two years.
- (3) The power conferred by sub-paragraph (1)(b) does not include power to authorise the imposition of a civil penalty of an amount that exceeds the amount of a fine at level 4 on the standard scale.

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- (4) Where regulations under this paragraph make provision for the imposition of a civil penalty, the regulations must also include provision for a right of appeal to a court or tribunal against the imposition of the penalty.
- (5) The provision that may be made under sub-paragraph (4) includes provision—
- (a) as to the jurisdiction of the court or tribunal to which an appeal may be made;
 - (b) as to the grounds on which an appeal may be made;
 - (c) as to the procedure for making an appeal (including any fee which may be payable);
 - (d) suspending the imposition of the penalty, pending determination of the appeal;
 - (e) as to the powers of the court or tribunal to which an appeal is made;
 - (f) as to how any sum payable in pursuance of a decision of the court or tribunal is to be recoverable.
- (6) The provision referred to in sub-paragraph (5)(e) includes provision conferring on the court or tribunal to which an appeal is made power—
- (a) to confirm the penalty;
 - (b) to withdraw the penalty;
 - (c) to vary the amount of the penalty;
 - (d) to award costs.
- (7) This paragraph does not limit the provision that may be made in an Air Navigation Order.
- (8) In this paragraph “relevant legislation” means—
- (a) the UK Delegated Regulation or provision made under that Regulation;
 - (b) the UK Implementing Regulation or provision made under that Regulation;
 - (c) regulations made under Article 57 or 58 of the UK Basic Regulation.

PART 3

INTERPRETATION

Interpretation

4 In this Schedule—

“Air Navigation Order” means an Order in Council under section 60 of the Civil Aviation Act 1982;

“power to make Air Navigation Orders” means the power under section 60 of the Civil Aviation Act 1982 to make Air Navigation Orders;

“UK Basic Regulation” means Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91;

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“UK Delegated Regulation” means Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems;

“UK Implementing Regulation” means Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft;

and a reference to the UK Basic Regulation, the UK Delegated Regulation or the UK Implementing Regulation is to that Regulation as it forms part of domestic law on and after IP completion day and as amended from time to time.

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