

*Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 8. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

Section 13

#### UNMANNED AIRCRAFT: POWERS OF POLICE OFFICERS AND PRISON AUTHORITIES

##### PART 1

##### GENERAL POWERS OF POLICE OFFICERS

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

- 1 (1) A constable may exercise the power conferred by this paragraph if the constable has reasonable grounds for believing that a flight by an unmanned aircraft is taking place.
- (2) The constable may require a person to ground the aircraft if—
- (a) the constable has reasonable grounds for believing that the person is controlling the unmanned aircraft, and
  - (b) the constable has reasonable grounds for suspecting that the unmanned aircraft has been, is, or is likely to be, involved in the commission of an offence (including an offence under this Act).
- (3) A person is guilty of an offence if—
- (a) the person without reasonable excuse fails to comply with a requirement under this paragraph, and
  - (b) the person is controlling the unmanned aircraft.
- (4) A person who is guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

##### **Commencement Information**

- I1** Sch. 8 para. 1 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I2** Sch. 8 para. 1 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(k\)](#)

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

- 2 (1) A constable may exercise the power conferred by this paragraph if the constable is in a place to which the constable lawfully has access (whether or not it is a place to which the public has access).
- (2) The constable may search—
- (a) a person,
  - (b) a vehicle, or
  - (c) anything which is in or on a vehicle,
- if Condition A, Condition B or Condition C is satisfied.

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- (3) Condition A is that the constable has reasonable grounds for suspecting that—
- (a) the constable will find an unmanned aircraft or an article associated with an unmanned aircraft, and
  - (b) the unmanned aircraft, or the article associated with an unmanned aircraft, is or has been involved in the commission of—
    - (i) an offence under article 94A, 240, 265A(2) or 265B(2) of the ANO 2016, or
    - (ii) any relevant prison offence.
- (4) Condition B is that the constable has reasonable grounds for suspecting that—
- (a) the constable will find an unmanned aircraft or an article associated with an unmanned aircraft,
  - (b) the unmanned aircraft, or the article associated with an unmanned aircraft, is or has been involved in the commission of—
    - (i) an offence under article 239(4) of the ANO 2016,
    - (ii) a relevant offence under article 265B(3) of the ANO 2016, or
    - (iii) a relevant offence under article 265E(7) of the ANO 2016, and
  - (c) the commission of that offence involves or involved the use of the unmanned aircraft, or the article associated with an unmanned aircraft, for one or more of the following purposes—
    - (i) to endanger any other aircraft (whether or not an unmanned aircraft);
    - (ii) to cause any person harm, harassment, alarm or distress;
    - (iii) to undermine security or good order and discipline in any prison or in any other institution where persons are lawfully detained;
    - (iv) to damage property (including land or buildings);
    - (v) to threaten national security.
- (5) Condition C is that the constable has reasonable grounds for suspecting that—
- (a) the constable will find an article which is or has been involved in the commission of any relevant prison offence, and
  - (b) the commission of that offence involves or involved the use of an unmanned aircraft.
- (6) A constable may seize anything that the constable discovers in the course of a search under this paragraph if the constable has reasonable grounds for believing that it is evidence in relation to—
- (a) an offence under any of these provisions of the ANO 2016—
    - (i) article 94A (certain unmanned aircraft: permission for flights over or near aerodromes);
    - (ii) article 239(4) (prohibited or restricted flying);
    - (iii) article 240 (endangering safety of an aircraft);
    - (iv) article 265A(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to UAS operators);
    - (v) article 265B(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to remote pilots);
  - (b) a relevant offence under article 265B(3) of the ANO 2016;
  - (c) a relevant offence under article 265E(7) of the ANO 2016; or
  - (d) a relevant prison offence.

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**Commencement Information**

- I3** Sch. 8 para. 2 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)  
**I4** Sch. 8 para. 2 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(k\)](#)

*Power to enter and search premises under warrant*

- 3 (1) If a justice of the peace is satisfied that there are reasonable grounds for believing that articles to which this paragraph applies are on any premises, the justice of the peace may issue a warrant authorising a constable to—
- (a) enter and search the premises, and
  - (b) seize anything found there which the constable has reason to believe is such an article.
- (2) This paragraph applies to an article if it is—
- (a) an unmanned aircraft, or
  - (b) an article associated with an unmanned aircraft,
- which has been involved in the commission of a relevant unmanned aircraft offence.
- (3) The power to search conferred by sub-paragraph (1)(a) is only a power to search to the extent that is reasonably required for the purpose of discovering—
- (a) an unmanned aircraft, or
  - (b) an article associated with an unmanned aircraft.
- (4) In England and Wales, sections 15 and 16 of the Police and Criminal Evidence Act 1984 (execution of search warrants and safeguards) apply to warrants issued under this paragraph.
- (5) In Northern Ireland, Articles 17 and 18 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (execution of search warrants and safeguards) apply to warrants issued under this paragraph.
- (6) In Scotland—
- (a) a warrant under this paragraph may be issued on the application of a constable or a procurator fiscal;
  - (b) the application must be supported by evidence on oath;
  - (c) the person applying for the warrant must answer on oath any question that the justice of the peace, summary sheriff or sheriff hearing the application asks the person;
  - (d) in the case of an application made by a procurator fiscal, that requirement may be met by a constable;
  - (e) a warrant under this paragraph may authorise persons to accompany any constable who is executing it if the justice, summary sheriff or sheriff issuing the warrant is satisfied that their presence is likely to be helpful to the search;
  - (f) a person so authorised may exercise any power conferred by the warrant, but only in the company of, and under the supervision of, a constable.
- (7) In the application of this paragraph to Scotland, for each reference to a justice of the peace (except those in sub-paragraph (6)) substitute references to a justice of the peace or a summary sheriff or a sheriff.

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- (8) In the application of this paragraph to Northern Ireland, for each reference to a justice of the peace substitute a reference to a lay magistrate.

**Commencement Information**

- I5** Sch. 8 para. 3 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)  
**I6** Sch. 8 para. 3 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(k\)](#)

*Supplementary powers*

- 4 (1) A constable may if necessary use reasonable force for the purpose of exercising a power conferred by this Schedule.
- (2) In England and Wales, section 22(1) to (4) and (7) of the Police and Criminal Evidence Act 1984 (retention) apply to anything seized under this Schedule.
- (3) In Northern Ireland, Article 24(1) to (4) and (7) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (retention) apply to anything seized under this Schedule.
- (4) Sub-paragraphs (5) and (6) apply in relation to Scotland.
- (5) Anything seized under this Schedule may be retained for as long as is necessary in all the circumstances and in particular—
- (a) for use as evidence at a trial for a relevant unmanned aircraft offence, or
  - (b) for forensic examination or for investigation in connection with a relevant unmanned aircraft offence.
- (6) An item may not be retained for either of the purposes mentioned in sub-paragraph (5) if a photograph or a copy would be sufficient for that purpose.
- (7) The powers conferred by this Schedule are in addition to any power otherwise conferred.

**Commencement Information**

- I7** Sch. 8 para. 4 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)  
**I8** Sch. 8 para. 4 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(k\)](#)

*Meaning of “relevant unmanned aircraft offence”*

- 5 In this Schedule “relevant unmanned aircraft offence” means—
- (a) an offence under this Act;
  - (b) any of these offences under the ANO 2016—
    - (i) an offence under article 94A(1), 239(4), 265A(2) or 265B(2) of the ANO 2016;
    - (ii) a relevant offence under article 265B(3) of the ANO 2016;
    - (iii) a relevant offence under article 265E(7) of the ANO 2016;
    - (iv) 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;

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- (c) an offence under any of these provisions—
  - (i) section 40C(2) or (3) of the Prison Act 1952;
  - (ii) section 34B(2) or (3) of the Prison Act (Northern Ireland) 1953;
  - (iii) section 41 or 41ZA of the Prisons (Scotland) Act 1989;
- (d) a Scottish common law prison offence.

#### Commencement Information

- I9** Sch. 8 para. 5 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I10** Sch. 8 para. 5 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(k\)](#)

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

- 6 In this Schedule “relevant offence under article 265B(3) of the ANO 2016” means an offence under article 265B(3) of the ANO 2016 committed by the contravention of a relevant requirement set out or referred to in any of the following provisions of the ANO 2016—
- (a) article 265B(5)(a), (h), (i) or (j);
  - (b) article 265B(6);
  - (c) article 265B(7)(e), but only insofar as that requirement (to comply with authorised limitations and conditions) regulates the operation of an unmanned aircraft during flight;
  - (d) article 265B(7)(f), (g) or (i);
  - (e) article 265B(8), but only insofar as that requirement (conditions under which operations in the framework of the model aircraft clubs or associations may be conducted) regulates the operation of an unmanned aircraft during flight.

#### Commencement Information

- I11** Sch. 8 para. 6 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I12** Sch. 8 para. 6 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(k\)](#)

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

- 7 In this Schedule “relevant offence under article 265E(7) of the ANO 2016” means an offence under article 265E(7) of the ANO 2016 committed by the contravention of a relevant requirement set out or referred to in any of the following provisions of the ANO 2016—
- (a) article 265E(2)(a)(vi), (vii) or (viii);
  - (b) article 265E(2)(b)(ix), (x) or (xi);
  - (c) article 265E(5)(a);
  - (d) article 265E(6).

#### Commencement Information

- I13** Sch. 8 para. 7 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)
- I14** Sch. 8 para. 7 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(k\)](#)

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*Meaning of “relevant prison offence”*

- 8 In this Schedule “relevant prison offence” means—
- (a) an offence under any of these provisions of the Prison Act 1952—
    - (i) section 39 (assisting a prisoner to escape);
    - (ii) section 40B (conveyance etc of List A articles into or out of prison);
    - (iii) section 40C (conveyance etc of List B or C articles into or out of prison);
    - (iv) section 40CB (throwing articles into prison);
  - (b) an offence under any of these provisions of the Prison Act (Northern Ireland) 1953—
    - (i) section 29(1) (assisting escape from lawful custody);
    - (ii) section 33 (facilitating escape by conveying things into prison);
    - (iii) section 34A (conveyance etc of List A articles into or out of prison);
    - (iv) section 34B (conveyance etc of List B or C articles into or out of prison);
  - (c) an offence under either of these provisions of the Prisons (Scotland) Act 1989—
    - (i) section 41 (unlawful introduction of proscribed articles into a prison);
    - (ii) section 41ZA (provision to and use by prisoners of personal communication devices);
  - (d) a Scottish common law prison offence.

**Commencement Information**

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

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

*Meaning of “Scottish common law prison offence”*

- 9 (1) In this Schedule “Scottish common law prison offence” means—
- (a) an offence at common law in Scotland committed by assisting a prisoner in a penal institution in Scotland in escaping or attempting to escape from the institution;
  - (b) an offence at common law in Scotland committed by, intending to facilitate the escape of a prisoner from a penal institution in Scotland, doing any of the following things—
    - (i) bringing, throwing or otherwise conveying anything into the institution;
    - (ii) causing another person to bring, throw or otherwise convey anything into the institution;
    - (iii) giving anything to a prisoner or leaving anything in any place (whether inside or outside the institution).
- (2) In this paragraph—

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“penal institution” has the meaning given by section 108 of the Criminal Justice (Scotland) Act 2016;

“prisoner” means a person who is detained or imprisoned in such an institution.

#### Commencement Information

**I17** Sch. 8 para. 9 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

**I18** Sch. 8 para. 9 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(k\)](#)

#### Other interpretation

10 (1) In this Schedule—

“article associated with an unmanned aircraft” includes—

- (a) any component, part or product of an unmanned aircraft, and
- (b) any equipment, including an electronic device, relating to an unmanned aircraft;

“premises” includes any place and, in particular, includes—

- (a) any vehicle;
- (b) any offshore installation;
- (c) any renewable energy installation (that expression having the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004);
- (d) any tent or movable structure;

“property” includes land and buildings;

“vehicle” includes any vessel, aircraft (whether or not an unmanned aircraft) or hovercraft.

(2) A reference in this Schedule to a provision of subordinate legislation (whenever the reference is passed or made) is a reference to that provision as it has effect from time to time.

(3) Sub-paragraph (2) is subject to any contrary provision made in subordinate legislation.

#### Commencement Information

**I19** Sch. 8 para. 10 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

**I20** Sch. 8 para. 10 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), [reg. 2\(k\)](#)

## PART 2

### POWERS OF POLICE OFFICERS AND PRISON AUTHORITIES UNDER POLICE ACT 1997

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

11 (1) Section 93 of the Police Act 1997 (authorisations to interfere with property etc) is amended as follows.

(2) In subsection (2), in paragraph (a), for “serious crime” substitute “—

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- (i) serious crime, or
- (ii) the use of an unmanned aircraft in the commission of a relevant offence”.

(3) After subsection (2AA) insert—

“(2AB) Where the authorising officer is the Chief Constable of the Civil Nuclear Constabulary, the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence.”

(4) After subsection (2AB) insert—

“(2AC) In the case of an England and Wales prison authorisation, the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence.”

(5) After subsection (2AC) insert—

“(2AD) In the case of a Northern Ireland prison authorisation, the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence.”

(6) After subsection (2AD) insert—

“(2AE) In the case of a Scottish penal institution authorisation, the only purpose falling within subsection (2)(a) is the purpose of preventing or detecting the use of an unmanned aircraft in the commission of a relevant offence.”

(7) In subsection (3), after paragraph (aa) insert—

“(ab) if the authorising officer is within subsection (5)(ef), by a member of the Civil Nuclear Constabulary;”.

(8) In subsection (3), after paragraph (da) insert—

“(db) in the case of an England and Wales prison authorisation, by—

- (i) a prison officer,
- (ii) an officer of a young offender institution,
- (iii) an officer of a secure training centre, or
- (iv) an officer of a secure college,

whose duties as such an officer are exercisable in relation to the relevant England and Wales institution (and, where that institution is a contracted out institution, such an officer who is temporarily attached to that institution is to be taken to have duties exercisable in relation to it);”.

(9) In subsection (3), after paragraph (db) insert—

“(dc) in the case of a Northern Ireland prison authorisation, by—

- (i) a prison officer, or
- (ii) a member of custodial staff for a juvenile justice centre,

whose duties as such an officer or member of staff are exercisable in relation to the relevant Northern Ireland institution;”.

(10) In subsection (3), after paragraph (dc) insert—



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“(dd) in the case of a Scottish penal institution authorisation, by a Scottish prison officer whose duties as such an officer are exercisable in relation to the relevant Scottish penal institution (and, where that institution is a contracted out Scottish penal institution, a Scottish prison officer who is temporarily attached to that institution is to be taken to have duties exercisable in relation to it);”.

(11) After subsection (4) insert—

“(4A) For the purposes of subsection (2), “relevant offence” means—

- (a) an offence under any of these provisions of the Prison Act 1952—
  - (i) section 39 (assisting a prisoner to escape);
  - (ii) section 40B (conveyance etc of List A articles into or out of prison);
  - (iii) section 40C (conveyance etc of List B or C articles into or out of prison);
  - (iv) section 40CB (throwing articles into prison);
- (b) an offence under any of these provisions of the Prison Act (Northern Ireland) 1953—
  - (i) section 29(1) (assisting escape from lawful custody);
  - (ii) section 33 (facilitating escape by conveying things into prison);
  - (iii) section 34A (conveyance etc of List A articles into or out of prison);
  - (iv) section 34B (conveyance etc of List B or C articles into or out of prison);
- (c) an offence at common law in Scotland committed by assisting a prisoner in a penal institution in Scotland in escaping or attempting to escape from the institution;
- (d) an offence at common law in Scotland committed by, intending to facilitate the escape of a prisoner from a penal institution in Scotland, doing any of the following things—
  - (i) bringing, throwing or otherwise conveying anything into the institution;
  - (ii) causing another person to bring, throw or otherwise convey anything into the institution;
  - (iii) giving anything to a prisoner or leaving anything in any place (whether inside or outside the institution);
- (e) an offence under either of these provisions of the Prisons (Scotland) Act 1989—
  - (i) section 41 (unlawful introduction of proscribed articles into a prison);
  - (ii) section 41ZA (provision to and use by prisoners of personal communication devices);
- (f) an offence under section 1(2) of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);
- (g) an offence under any of these provisions of the Air Navigation Order 2016—
  - (i) article 94A (certain unmanned aircraft: permission for flights over or near aerodromes);

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- (ii) article 239(4) (prohibited or restricted flying);
  - (iii) article 240 (endangering safety of an aircraft);
  - (iv) article 241 (endangering safety of any person or property);
  - (v) article 265A(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to UAS operators);
  - (vi) article 265B(2) (various requirements under the Unmanned Aircraft Implementing Regulation relating to remote pilots);
- (h) an offence under article 265B(3) of the Air Navigation Order 2016 committed by the contravention of a relevant requirement set out or referred to in any of the following provisions of that Order—
- (i) article 265B(5)(a), (h), (i) or (j);
  - (ii) article 265B(6);
  - (iii) article 265B(7)(e), but only insofar as that requirement (to comply with authorised limitations and conditions) regulates the operation of an unmanned aircraft during flight;
  - (iv) article 265B(7)(f), (g) or (i);
  - (v) article 265B(8), but only insofar as that requirement (conditions under which operations in the framework of the model aircraft clubs or associations may be conducted) regulates the operation of an unmanned aircraft during flight.
- (4B) The Secretary of State may by regulations made by statutory instrument amend subsection (4A) to add or remove an offence.
- (4C) The Secretary of State may not make regulations under subsection (4B) unless a draft of the statutory instrument containing the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.”
- (12) In subsection (5), after paragraph (ee) insert—  
“(ef) the Chief Constable of the Civil Nuclear Constabulary;”.
- (13) In subsection (5), after paragraph (ha) insert—  
“(hb) a member of senior management for prisons in England and Wales—  
(i) whose duties as a member of senior management for prisons in England and Wales are exercisable in relation to the relevant England and Wales institution, and  
(ii) who is designated for the purposes of this paragraph by the Secretary of State;”.
- (14) In subsection (5), after paragraph (hb) insert—  
“(hc) a member of senior management for prisons in Northern Ireland whose duties as a member of senior management for prisons in Northern Ireland are exercisable in relation to the relevant Northern Ireland institution;”.
- (15) In subsection (5), after paragraph (hc) insert—  
“(hd) a member of senior management for penal institutions in Scotland—

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- (i) whose duties as a member of senior management for penal institutions in Scotland are exercisable in relation to the relevant Scottish penal institution, and
  - (ii) who is designated for the purposes of this paragraph by the Scottish Ministers;”.
- (16) In subsection (6), after paragraph (cb) insert—
  - “(cbza) in relation to a person within subsection (5)(ef), means any place where, under section 56 of the Energy Act 2004, the members of the Civil Nuclear Constabulary have the powers and privileges of a constable;”.
- (17) In subsection (6), after paragraph (cba) insert—
  - “(cbb) in relation to an England and Wales prison authorisation, means the area of—
    - (i) a prison in England or Wales,
    - (ii) a young offender institution in England or Wales,
    - (iii) a secure training centre in England or Wales, or
    - (iv) a secure college in England or Wales,together with such area or areas adjoining the boundary of that prison, institution, centre or college as the authorising officer considers it necessary and proportionate for the authorisation to relate to;”.
- (18) In subsection (6), after paragraph (cbb) insert—
  - “(cbc) in relation to a Northern Ireland prison authorisation, means the area of—
    - (i) a prison in Northern Ireland,
    - (ii) a young offenders centre in Northern Ireland,
    - (iii) a remand centre in Northern Ireland, or
    - (iv) a juvenile justice centre in Northern Ireland,together with such area or areas adjoining the boundary of that prison or centre as the authorising officer considers it necessary and proportionate for the authorisation to relate to;”.
- (19) In subsection (6), after paragraph (cbc) insert—
  - “(cbd) in relation to a Scottish penal institution authorisation, means the area of a penal institution in Scotland together with such area or areas adjoining the boundary of that institution as the authorising officer considers it necessary or proportionate for the authorisation to relate to;”.
- (20) After subsection (7) insert—
  - “(8) In this section—
    - “England and Wales prison authorisation” means an authorisation where the authorising officer is within subsection (5)(hb);
    - “contracted out institution” means—
      - (a) a prison or young offender institution that is a contracted out prison within the meaning of Part 4 of the Criminal Justice

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Act 1991 (see section 84(4) of that Act and the definition of “prison” in section 92(1) of that Act),

- (b) a contracted out secure training centre within the meaning of sections 7 to 14 of the Criminal Justice and Public Order Act 1994 (see section 15 of that Act), or
- (c) a contracted-out secure college within the meaning of Schedule 10 to the Criminal Justice and Courts Act 2015 (see paragraph 1 of that Schedule);

“contracted out Scottish penal institution” means a penal institution for the running of which a contract under section 106 of the Criminal Justice and Public Order Act 1994 is for the time being in force;

“member of custodial staff for a juvenile justice centre” means a person who is authorised by the managers of a juvenile justice centre to take charge of a person detained by them;

“member of senior management for penal institutions in Scotland” means a person—

- (a) who is a member of staff of the Scottish Administration of a seniority designated for the purposes of this section by the Scottish Ministers, and
- (b) whose duties are exercisable in relation to penal institutions in Scotland generally, or any type of such institutions;

“member of senior management for prisons in England and Wales” means a person—

- (a) who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000, and
- (b) whose duties as a senior official are exercisable in relation to prisons, young offender institutions, secure training centres or secure colleges in England and Wales;

“member of senior management for prisons in Northern Ireland” means a person—

- (a) who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000, and
- (b) whose duties as a senior official are exercisable in relation to prisons, young offenders centres, remand centres or juvenile justice centres in Northern Ireland;

“Northern Ireland prison authorisation” means an authorisation where the authorising officer is within subsection (5)(hc);

“Northern Ireland prison officer” means a person appointed under section 2(2) of the Prison Act (Northern Ireland) 1953 (including any person whose duties are exercisable in relation to a young offenders centre or remand centre in Northern Ireland);

“penal institution” has the meaning given by section 108 of the Criminal Justice (Scotland) Act 2016;

“prison”, in relation to Northern Ireland, has the meaning given in section 47(1A) of the Prison Act (Northern Ireland) 1953;

“prisoner”, in relation to a penal institution, means a person who is detained or imprisoned in such an institution;

“relevant England and Wales institution”, in relation to an England and Wales prison authorisation, means the prison, young

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offender institution, secure training centre or secure college in England and Wales to which the authorisation relates;

“relevant Northern Ireland institution”, in relation to a Northern Ireland prison authorisation, means the prison, young offenders centre, remand centre or juvenile justice centre in Northern Ireland to which the authorisation relates;

“relevant Scottish penal institution”, in relation to a Scottish penal institution authorisation, means the penal institution in Scotland to which the authorisation relates;

“Scottish penal institution authorisation” means an authorisation where the authorising officer is within subsection (5)(hd);

“Scottish prison officer” means a person who holds a post, otherwise than as a medical officer, to which the person has been appointed for the purposes of section 3(1A) of the Prisons (Scotland) Act 1989;

“unmanned aircraft” means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board.”

#### Commencement Information

**I21** Sch. 8 para. 11 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

**I22** Sch. 8 para. 11 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748](#), **reg. 2(k)**

- 12 (1) Section 94 of the Police Act 1997 (authorisations given in absence of authorising officer) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), omit the final “or”;
- (b) after paragraph (b) insert—
- “(ba) in the case of an England and Wales prison authorisation, it is also not reasonably practicable for the application to be considered by the authorising officer's designated deputy;”.
- (3) In subsection (1), after paragraph (ba) insert—
- “(bb) in the case of a Northern Ireland prison authorisation, it is also not reasonably practicable for the application to be considered by the authorising officer's designated deputy; or”.
- (4) In subsection (1), after paragraph (bb) insert—
- “(bc) in the case of a Scottish penal institution authorisation, it is also not reasonably practicable for the application to be considered by the authorising officer's designated deputy.”
- (5) In subsection (2), after paragraph (dd) insert—
- “(de) where the authorising officer is within paragraph (ef) of that subsection, by a person holding the rank of deputy or assistant chief constable in the Civil Nuclear Constabulary;”.
- (6) In subsection (2), after paragraph (fa) insert—
- “(fb) in the case of an England and Wales prison authorisation, by a person—

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- (i) who is a member of the civil service (within the meaning of Chapter 1 of Part 1 of the Constitutional Reform and Governance Act 2010 — see section 1(4) of that Act),
- (ii) whose duties are exercisable in relation to the relevant England and Wales institution, and
- (iii) who is designated for the purposes of this paragraph by the Secretary of State;”.

(7) In subsection (2), after paragraph (fb) insert—

- “(fc) in the case of a Northern Ireland prison authorisation, by a person—
- (i) who is a member of the Northern Ireland Civil Service,
  - (ii) whose duties are exercisable in relation to the relevant Northern Ireland institution, and
  - (iii) who is designated for the purposes of this paragraph by the Department of Justice in Northern Ireland;”.

(8) In subsection (2), after paragraph (fc) insert—

- “(fd) in the case of a Scottish penal institution authorisation, by a person—
- (i) who is a member of staff of the Scottish Administration,
  - (ii) whose duties are exercisable in relation to the relevant Scottish penal institution, and
  - (iii) who is designated for the purposes of this paragraph by the Scottish Ministers;”.

(9) In subsection (4), after paragraph (b) insert—

- “(ba) in the case of an England and Wales prison authorisation, a member of senior management for prisons in England and Wales who is designated for the purposes of this paragraph by the Secretary of State;”.

(10) In subsection (4), after paragraph (ba) insert—

- “(bb) in the case of a Northern Ireland prison authorisation, a member of senior management for prisons in Northern Ireland who is designated for the purposes of this paragraph by the Department of Justice in Northern Ireland;”.

(11) In subsection (4), after paragraph (bb) insert—

- “(bc) in the case of a Scottish penal institution authorisation, a member of senior management for penal institutions in Scotland who is designated for the purpose of this paragraph by the Scottish Ministers.”

(12) After subsection (4) insert—

- “(4A) In this section “England and Wales prison authorisation”, “member of senior management for prisons in England and Wales” and “relevant England and Wales institution” have the same meanings as in section 93.”

(13) After subsection (4A) insert—

- “(4B) In this section “member of senior management for prisons in Northern Ireland”, “Northern Ireland prison authorisation” and “relevant Northern Ireland institution” have the same meanings as in section 93.”

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**Changes to legislation:** *There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 8. (See end of Document for details)*

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(14) After subsection (4B) insert—

“(4C) In this section, “member of senior management for penal institutions in Scotland”, “Scottish penal institution authorisation” and “relevant Scottish penal institution” have the same meanings as in section 93.”

**Commencement Information**

**I23** Sch. 8 para. 12 in force at 29.4.2021 for specified purposes, see s. 21(1)(a)

**I24** Sch. 8 para. 12 in force at 29.6.2021 in so far as not already in force by [S.I. 2021/748, reg. 2\(k\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, SCHEDULE 8.