



Air Traffic Management and Unmanned Aircraft Act 2021

2021 CHAPTER 12

PART 2

AIR TRAFFIC

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

(1) For section 11 of the Transport Act 2000 substitute—

“11 Modification of a licence

- (1) The CAA may modify a licence by modifying the licence conditions.
- (2) Subsection (1) is subject to section 11B.
- (3) The Secretary of State may modify a licence—
 - (a) by modifying any term specifying the period for which the licence continues in force or any term by or under which that period is determined;
 - (b) by modifying a prescribed term.
- (4) In this section “prescribed” means prescribed by regulations made by the Secretary of State.

11A Modification of licence: procedure

- (1) Before modifying a licence in reliance on section 11, the modifying authority must—
 - (a) publish a notice in relation to the proposed modification;
 - (b) send a copy of the notice to the persons listed in subsection (2);

Status: This is the original version (as it was originally enacted).

- (c) consider any representations about the proposed modification that are made in the period specified in the notice (and not withdrawn).
- (2) The persons are—
- (a) the licence holder;
 - (b) any owners or operators of aircraft, or any bodies representing them, that the modifying authority considers appropriate;
 - (c) any owners or managers of aerodromes, or any bodies representing them, that the modifying authority considers appropriate;
 - (d) any bodies representing users of air transport services that the modifying authority considers appropriate;
 - (e) where the modifying authority is the CAA, the Secretary of State;
 - (f) where the modifying authority is the Secretary of State, the CAA.
- (3) The notice under subsection (1) must—
- (a) state that the modifying authority proposes to modify the licence;
 - (b) specify the proposed modification;
 - (c) give the modifying authority’s reasons for the proposed modification;
 - (d) state the effect of the proposed modification;
 - (e) specify a reasonable period for making representations.
- (4) If, after publishing the notice under subsection (1), the modifying authority decides not to make the modification in reliance on section 11, the modifying authority must—
- (a) publish a notice, giving its reasons;
 - (b) send a copy of the notice to the persons listed in subsection (2).
- (5) If, after complying with subsections (1) to (3) in relation to a modification, the modifying authority decides to modify a licence in reliance on section 11, the modifying authority must—
- (a) publish a notice in relation to the modification;
 - (b) send a copy of the notice to the persons listed in subsection (2).
- (6) The modifying authority is not to be treated as having complied with subsections (1) to (3) in relation to a modification of a licence if the modification differs significantly from the modification proposed in the notice under subsection (1).
- (7) The notice under subsection (5) must—
- (a) specify the modification;
 - (b) specify the date from which the modification is to have effect (subject to paragraphs 6 to 8 of Schedule A1);
 - (c) give the modifying authority’s reasons for the modification;
 - (d) state the effect of the modification;
 - (e) state how it has taken account of any representations made in the period specified in the notice under subsection (1);
 - (f) state the reasons for any differences between the modification and that set out in the notice under subsection (1).
- (8) The date specified under subsection (7)(b)—

- (a) in the case of a modification of a licence condition, must fall after the end of the period of 6 weeks beginning with the day on which the notice under subsection (5) was published (subject to paragraphs 6 to 8 of Schedule A1);
 - (b) otherwise, must fall after the end of the period of 28 days beginning with that day.
- (9) In this section “modifying authority”—
- (a) in relation to a modification of a licence condition, means the CAA;
 - (b) in relation to any other modification, means the Secretary of State.

11B Restrictions on power to modify licence conditions

- (1) The CAA must not make a proposed modification if, within the period specified under section 11A(3)(e), the Secretary of State directs it not to do so.
- (2) The CAA must—
 - (a) publish a direction given to it under subsection (1);
 - (b) send a copy of the direction to the persons listed in subsection (3).
- (3) The persons are—
 - (a) the licence holder;
 - (b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (d) any bodies representing users of air transport services that the CAA considers appropriate.”
- (2) Omit sections 12 to 18 of that Act.
- (3) Schedule 3 to this Act makes provision for appeals against modifications of licence conditions.
- (4) Before Schedule 1 to the Transport Act 2000 insert the Schedule A1 (appeals under section 19A) set out in Schedule 4 to this Act.