



Air Traffic Management and Unmanned Aircraft Bill [HL] HL Bill 10 of 2019–20

On 27 January 2020, the second reading of the [Air Traffic Management and Unmanned Aircraft Bill \[HL\]](#) is scheduled to take place in the House of Lords.

Summary

At the outset of the short 2019 session, the [Government undertook](#) to introduce an aviation bill to “provide for the effective and efficient management of the United Kingdom’s airspace”. This commitment was repeated following the December 2019 general election. The Government [has explained](#) the main objectives of the bill’s three substantive parts. In summary, these would:

- confer new government powers to direct an airport or other relevant body to prepare and submit a proposal to the Civil Aviation Authority (CAA) to change the design of airspace;
- modernise the licensing framework for air traffic control; and
- confer new powers for police and prison authorities to tackle the unlawful use of unmanned aircraft (UA). This would include drones and model aircraft. These powers include the ability to require a person to land UA and enhanced stop and search powers when UA-related offences are suspected.

The provisions in the bill would extend and apply to the whole of the UK. Whilst civil aviation (including airspace) is a reserved matter, the UA provisions are subject to legislative consent from the Scottish Parliament and Northern Ireland Assembly.

Many of the proposals contained in the bill have been the subject of [government consultations](#). Those concerning new powers to direct individual air change proposals and to update the air traffic licence process were welcomed by a majority of respondents. In addition, a majority of respondents were reported to have expressed support for a new police power to request evidence in cases of suspected UA misuse. Support for extending stop and search powers to include cases involving UA was more qualified. The Government has noted that the consultation in which this issue was raised predated the high-profile UA disruption at Gatwick Airport in December 2018.

Thomas Brown | 20 January 2020

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I. Background: Rationale for the Bill

Details of the Air Traffic Management and Unmanned Aircraft Bill [HL] were first announced in the October 2019 Queen's Speech.¹ Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport, elaborated on the reasoning behind the bill during the debate on that programme:

Our complex and ageing airspace system has not been modernised since the 1960s and is now reaching capacity. Therefore, the Air Traffic Management and Unmanned Aircraft Bill, contained in the Queen's Speech, will give the Government the powers to ensure that vital airspace modernisation work can continue without delay to meet future aviation needs and deliver quicker, cleaner and quieter flights. It is essential that, as we help the aviation sector to thrive, we support it to decarbonise to help meet our national net-zero 2050 commitment.

The bill will also help us combat a new threat—the illegal use of unmanned aircraft, such as drones. In the aftermath of the malicious drone disruption at Gatwick Airport last December [2018], we brought in a range of measures to protect the public. Now, we are going even further and introducing new police powers that will help tackle the misuse of drones not only near airports but around prisons, over crowds and near important national infrastructure and protected sites. These powers include the ability to make someone land an unmanned aircraft and an enhanced ability to stop and search where the illegal flying of unmanned aircraft is suspected.²

The bill did not receive a second reading before the dissolution of the 2017 parliament.³

Following the December 2019 general election, the Government set out its intention to bring forward the bill again in the new session.⁴ Speaking during the debate on the December 2019 Queen's Speech, Baroness Blackwood of North Oxford, Parliamentary Under Secretary of State at the Department of Health and Social Care, repeated the rationale for the bill:

Our ageing airspace system has not been updated since the 1960s, so the Air Traffic Management and Unmanned Aircraft Bill will bring forward measures to modernise airspace, making flights faster, cleaner and quieter and giving the police greater enforcement powers to effectively tackle the unlawful use of unmanned aircrafts, including drones.⁵

The current version of the bill is substantially the same as that introduced in the 2019 short session.⁶

¹ [HL Hansard, 14 October 2019, col 3](#); and Prime Minister's Office, [Queen's Speech October 2019: Background Briefing Notes](#), 14 October 2019, pp 85–6.

² [HL Hansard, 17 October 2019, col 174](#). See also Department for Transport, '[New Laws to Combat Illegal Use of Unmanned Aircraft and Modernise Airspace](#)', 23 October 2019.

³ UK Parliament, '[Air Traffic Management and Unmanned Aircraft Bill \[HL\] 2019](#)', accessed 14 January 2020.

⁴ Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, pp 95–6.

⁵ [HL Hansard, 9 January 2020, col 330](#).

⁶ The newer version includes an extra clause and the wording in some parts and schedules has been updated.

2. Overview of the Bill

The bill contains 21 clauses, organised in four parts, and eleven schedules. Parts 1 and 2 of the bill would make provision about airspace change proposals (ACPs) and the licensing regime for air traffic services, respectively. Part 3 of the bill concerns unmanned aircraft (UA), a category that includes drones and model aircraft. This would include several measures aimed at deterring the misuse of UA and greater enforcement powers for the police and prison authorities. Part 4 of the bill contains information about the bill's regulations, its territorial extent, commencement and short title.⁷

2.1 Part 1: Airspace Change Proposals

Background

The UK's airspace is currently undergoing a process of modernisation.⁸ It has not undergone significant change since the 1950s. The Government has argued that if no action is taken there is likely to be a "sharp increase in air traffic delays". These delays could "create costs and disruption for passengers and businesses and lead to increased queuing in holding stacks, which cause unnecessary noise and emissions".⁹

In the context of the increasingly complex nature of UK airspace, particularly in the south of England, the Government has charged the aviation industry with leading on a programme to redesign flightpaths. The programme's aim is to "deliver quicker, quieter and cleaner journeys, and more capacity, for the benefit of those who use and are affected by UK airspace".¹⁰ This is being supported by the Civil Aviation Authority (CAA), in line with its [airspace modernisation strategy](#).¹¹

The current structure of UK airspace is set out in the Aeronautical Information Publication.¹² Changes can include proposals to:

- amend airport flightpaths;
- alter high-level flightpaths; or
- change the classification of airspace in particular areas.

The Government expects airports and other aviation stakeholders to undertake coordinated airspace change consultations voluntarily over the next few years to effect improvements.¹³ However, neither the Government nor the CAA currently have powers to "guarantee that airspace change is taken

⁷ [Explanatory Notes](#), p 3.

⁸ *ibid.* See also: Department for Transport, '[Airspace Modernisation](#)', 2 May 2019.

⁹ Department for Transport, [Impact Assessment: Enforcing the Development of Airspace Change Proposals](#), 14 August 2019, p 1. See also: Department for Transport, [Consultation Response on Legislation for Enforcing the Development of Airspace Change Proposals](#), 22 October 2019, p 4.

¹⁰ [Explanatory Notes](#), p 3.

¹¹ Civil Aviation Authority, '[New Airspace Modernisation Strategy Launched to Overhaul UK Airspace](#)', 17 December 2018.

¹² [Explanatory Notes](#), p 3. See also: NATS Aeronautical Information Service, '[Homepage](#)', accessed 14 January 2020.

¹³ *ibid.*; and Department for Transport, [Consultation Response on Legislation for Enforcing the Development of Airspace Change Proposals](#), 22 October 2019, p 5.

forward, should an airport decide that it does not wish to participate in the airspace modernisation programme on a voluntary basis”. The Government has explained that this “means that one airport could hold up another or several others, thereby delaying the programme”. The provisions in clauses 1–8 of the bill would allow the Government to direct such activity.

The Government has consulted on bringing forward legislation to this end.¹⁴ In [Aviation 2050: The Future of UK Aviation](#), the Government explained that its lead policy option was to bring forward new primary legislation to allow it to direct an airport or air navigation service provider to progress an airspace change.¹⁵ It stated that a majority of respondents had expressed support for the proposal to bring forward legislation to direct individual ACPs identified as necessary, including amongst airline, airport and local authority respondents.¹⁶

Provisions

Clauses 1–8, together with schedules 1 and 2, would introduce new powers for the secretary of state to direct airports and other entities with functions relating to air navigation to take forward ACPs.¹⁷ These powers could be delegated to the CAA, the independent regulator for the aviation industry. Directions would be linked to the CAA’s [airspace modernisation strategy](#) covering the use of UK airspace up to 2040.¹⁸

In brief, the clauses in this part would:

- Define an ACP (clause 1).
- Enable the secretary of state, and by extension the CAA, to direct an airport operator, air navigation service provider or any person involved in air navigation to progress an ACP in line with the CAA’s airspace modernisation strategy (clause 2).
- Enable the secretary of state, and by extension the CAA, to direct a person involved in airspace change to cooperate in order to progress an ACP as above (clause 3).
- Require such directions to be given in writing and permit them to be varied or revoked (clause 4).
- Permit the secretary of state to delegate the powers in clauses 2–4 to the CAA (clause 5).
- Insert new subsections in section 84 of the Civil Aviation Act 1982 concerning the provision by others of information for the CAA and secretary of state (clause 6).
- Introduce schedules 1 and 2 (clause 7). Schedule 1 would make provision for appeals against directions, while schedule 2 would make provision for the CAA to enforce directions and for connected appeals.

¹⁴ [Explanatory Notes](#), pp 3–4.

¹⁵ HM Government, [Aviation 2050: The Future of UK Aviation](#), 17 December 2018, Cm 9714, p 182. The consultation ran from 17 December 2018 to 20 June 2019.

¹⁶ Department for Transport, [Consultation Response on Legislation for Enforcing the Development of Airspace Change Proposals](#), 22 October 2019, p 8. The final response to the full consultation is yet to be published (Department for Transport, [‘Aviation 2050: The Future of UK Aviation’](#), accessed 14 January 2020).

¹⁷ [Explanatory Notes](#), p 4.

¹⁸ Civil Aviation Authority, [‘New Airspace Modernisation Strategy Launched to Overhaul UK Airspace’](#), 17 December 2018. Launched in December 2018, the strategy set out a new governance structure for UK airspace with the overall aim of delivering “quicker, quieter and cleaner journeys”.

- Provide for the interpretation of terms within part I, including defining “airport operator” and “air navigation service provider” (clause 8).¹⁹

2.2 Part 2: Air Traffic Services

Background

The proposals in this part follow an independent inquiry into an air traffic service failure in 2014. The CAA was satisfied at the time that there was no evidence that NATS (formerly National Air Traffic Services) was in breach of the service obligations in its licence at the time of the incident.²⁰ NATS, provides en route air traffic services in the UK. However, the inquiry’s final report made several recommendations about updating the current licencing framework.²¹

In September 2016, the Government published a consultation entitled [Modernising the Licensing Framework for Air Traffic Services](#).²² The document stated that the current licencing framework governing the provision of air traffic services needed to be “modernised to ensure that it remains fit for purpose and continues to improve on the UK’s record on safety, satisfying demand and resilience”. It added that this was an “opportune moment” to update the licensing framework given the “many improvements” to licensing regimes in other industries introduced since the current licencing regime for air traffic services was established in 2001.²³

The document set out three proposals to modernise the licensing framework by:

- amending the licence modification process to allow the CAA to directly make changes to the licence after consultation, subject to a right of appeal to an appropriate body;
- giving the CAA access to a wider range of enforcement tools, subject to appeal to an appropriate body; and
- extending the licence notice period to promote the current licence holder’s ability to finance itself more efficiently.²⁴

The Government responded to the consultation in February 2017.²⁵ It stated that, “overall, respondents welcomed the proposal to update the licence modification process”.²⁶ However, respondents had also raised several issues, including: appeals; the timing of potential licence changes; and the potential effect of changes on the current licence holder’s financing arrangements.

¹⁹ [Explanatory Notes](#), pp 13–5.

²⁰ *ibid*, p 5.

²¹ Independent Inquiry on the NATS System Failure on 12 December 2014, [Final Report](#), 13 May 2015.

²² Department for Transport, [Modernising the Licensing Framework for Air Traffic Services](#), 22 September 2016.

²³ *ibid*, p 4.

²⁴ *ibid*, pp 4–5. The current licence holder is NERL. This stands for NATS (En Route) plc, a business division of NATS Holdings Ltd (formerly National Air Traffic Services). It provides en route air traffic control services and a centralised approach service at London airports.

²⁵ Department for Transport, [Modernising the Licensing Framework for Air Traffic Services: Response to Consultation](#), 9 February 2017. The consultation ran from 22 September 2016 to 20 October 2016. See also: [Impact Assessment: Updating the Licence Modification Process for the En Route Air Traffic Licence](#), 3 November 2016; and [Modernising the Licensing Framework for Air Traffic Services: Response to Consultation—Annex 2](#), 9 February 2017.

²⁶ *ibid*, pp 5–6.

Provisions

Clauses 9–11, together with schedules 3–7, would amend the Transport Act 2000 to update the regulatory framework governing the provision of air traffic services.²⁷ The Government has explained the proposed change:

The new provision is modelled on the framework in part I 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 would, 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 breach of a condition or statutory duty (including power to impose financial penalties).²⁸

The clauses in this part would:

- Amend the Transport Act 2000 to enable the secretary of state or CAA to modify the terms of a licence for air traffic services subject to certain constraints and make provision for appeals as set out in schedules 3 and 4 (clause 9).
- Amend the Transport Act 2000 to make provision in respect of enforcement and penalties as set out in schedules 5 and 6 (clause 10).
- Provide for consequential amendments following the provisions in clauses 9 and 10 (clause 11, together with schedule 7).²⁹

2.3 Part 3: Unmanned Aircraft

Background

The Government has welcomed the opportunities for increased productivity and efficiency represented by UA technology.³⁰ For example, it has stated:

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.³¹

²⁷ [Explanatory Notes](#), pp 4–5.

²⁸ *ibid* p 5.

²⁹ *ibid*, pp 15–8.

³⁰ *ibid*, p 6.

³¹ *ibid*.

However, the Government has also cautioned that the “misuse of UA is increasing” and that this has both public safety and security implications.³² For example, there has been an increase in incidents of UA coming within unsafe distances to manned aircraft, rising from six incidents in 2014 to 126 in 2018. The Government has stated that the significant disruption at Gatwick Airport in December 2018 was a “stark example of the large economic and operational impacts UA can have when used with malicious intent”.

Existing Regulatory Framework

There is already a regulatory framework in place for UA, in the form of the Air Navigation Order 2016 (ANO 2016) and provisions in the Aviation and Maritime Security Act 1990. These prohibit the use of UA in a manner designed to cause disruption or harm.³³ In addition, it is currently an offence:

- to endanger aircraft with a UA;
- for drone pilots to fly drones near people or property; and
- for drone pilots not to keep drones within visual line of sight.³⁴

New restrictions also came into force in July 2018 to ban all drones from flying above 400ft across the UK and within 1km of protected airport boundaries. From 30 November 2019, it has been a legal requirement for all drone operators to register themselves with the CAA and for drone pilots to complete an online pilot competency test.³⁵

However, UA offences under the ANO 2016 are largely summary only offences. Therefore existing entry and search powers, which exist for indictable offences, cannot be used.³⁶ To address this issue, and others, the Government has consulted on further tightening the UA regulatory framework.

Government Consultations

Two consultations have been held on this issue within the past two years, one led by the Department for Transport and one by the Home Office.

The first, [Taking Flight: The Future of Drones in the UK](#), was published in July 2018.³⁷ The consultation document proposed policies for drone use and enforcement, including:

- the minimum age requirement for operators for small unmanned aircraft;
- whether the 1km flight restriction around protected aerodromes was sufficient;

³² [Explanatory Notes](#), p 6.

³³ *ibid*, pp 6–7. The ANO 2016 was amended in 2018 and 2019 (House of Commons, ‘[Unmanned Air Vehicles: Safety](#)’, 30 September 2019, 291042).

³⁴ Department for Transport, [Taking Flight: The Future of Drones in the UK—Government Response](#), 7 January 2019, CP 7, p 4.

³⁵ Civil Aviation Authority, ‘[Drone and Model Aircraft Registration](#)’, 5 November 2019. This will cost £9 annually.

³⁶ [Explanatory Notes](#), p 9.

³⁷ Department for Transport, [Taking Flight: The Future of Drones in the UK](#), 26 July 2018. The consultation ran from 26 July 2018 to 17 September 2018.

- a proposal to mandate and regulate a flight information and notification system (FINS) or just regulate the FINS;
- the powers required by enforcement bodies in order to properly police drone use and penalise incorrect use, including the possible use of fixed penalty notices; and
- counter drone technology system proposals.³⁸

The Government published its response on 7 January 2019.³⁹ The response document outlined the measures proposed in the consultation that the Government had opted to take forward in legislation. These included giving the police the power to request evidence from drone users where there was reasonable suspicion of an offence being committed and the option to issue fixed penalty notices for minor drone offences. According to the Government, the proposed new power to request evidence was “met with strong support from respondents”. It stated this would be included in a bill to be brought forward in 2019.⁴⁰

The second consultation, [Stop and Search: Extending Police Powers to Cover Offences Relating to Unmanned Aircraft \(Drones\), Laser Pointers and Corrosive Substances](#), was published by the Home Office on 9 September 2018.⁴¹ The consultation document stated that current legislation did not provide specific powers for police to stop and search in cases in which UA or UA equipment had been involved in the commission of offences. Existing legislation concerned being the ANO 2016 and the Prison Act 1952 (in respect of the conveyance of illicit items over a prison boundary).⁴² The document proposed that police stop and search powers be extended to cover such cases.

The Government published its response on 20 February 2019.⁴³ It stated that police had expressed support for a power to stop and search a person to determine if they had committed an offence related to flying a drone within a restriction zone as this “would address an operational gap in their powers”.⁴⁴ The Government added that it considered such a power to be “proportionate to help in the detection and investigation of incidents causing widespread disruption to the operation of aerodromes”.

In terms of the level of support, the document stated that “around a third of respondents” who answered the consultation’s multiple-choice questions “agreed or strongly agreed” that a new stop and search power was required to allow police officers to investigate and/or prevent the misuse of drones. A similar proportion thought that such a power was proportionate to address the threat posed by the misuse of drones and would be effective in operation.⁴⁵

³⁸ Department for Transport, Home Office and Department for Business, Energy and Industrial Strategy, ‘[Drone Legislation: Use, Restrictions and Enforcement](#)’, 26 July 2018.

³⁹ Department for Transport, [Taking Flight: The Future of Drones in the UK—Government Response](#), 7 January 2019, CP 7.

⁴⁰ *ibid*, p 5.

⁴¹ Home Office, [Stop and Search: Extending Police Powers to Cover Offences Relating to Unmanned Aircraft \(Drones\), Laser Pointers and Corrosive Substances](#), 9 September 2018. The consultation ran from 9 September 2018 to 22 October 2018.

⁴² *ibid*, p 7; and Home Office, ‘[Police “Stop and Search” Powers](#)’, 20 February 2019.

⁴³ Home Office, [Stop and Search: Extending Police Powers to Cover Offences Relating to Unmanned Aircraft \(Drones\), Laser Pointers and Corrosive Substances—Government Response](#), 20 February 2019.

⁴⁴ Home Office, ‘[Police “Stop and Search” Powers](#)’, 20 February 2019.

⁴⁵ Home Office, [Stop and Search: Extending Police Powers to Cover Offences Relating to Unmanned Aircraft \(Drones\), Laser Pointers and Corrosive Substances—Government Response](#), 20 February 2019, p 5. It should be noted that the consultation concluded before the high-profile disruption at Gatwick Airport in December 2018.

Government Strategy Documents

The Government published its [UK Counter-Unmanned Aircraft Strategy](#) on 21 October 2019.⁴⁶ This document focused on the “malicious, illegal use of aerial drones”, including to:

- facilitate terrorist attacks;
- facilitate crime, especially in prisons; and
- disrupt critical national infrastructure.⁴⁷

The document stated that the provisions in part 3 of the bill would “provide greater enforcement capability to the police and act as a deterrent to those who would commit offences related to drones”. It highlighted the provisions set out in this part:

[...] the bill will make provision for new powers for police officers to allow them to better enforce drone regulations in the ANO, and prohibitions related to prisons in the UK. This will include powers to stop and search in specific circumstances, and powers to issue fixed penalty notices for minor offences.

The bill will also make provision for the police and those acting on their behalf to use counter-drone technologies against drones being used to commit certain ANO 2016 offences, certain prison related offences and an offence in the Aviation and Maritime Security Act 1990.⁴⁸

The Government’s final response to its [Aviation 2050: The Future of UK Aviation](#) consultation has not yet been published.⁴⁹ It is expected that this will set out the Government’s strategy for the safe use of emerging aviation technology, including the legal use of drones.⁵⁰

House of Commons Science and Technology Committee Inquiry

On 11 October 2019, the House of Commons Science and Technology Committee published a report following its inquiry into commercial and recreational drone use in the UK.⁵¹ The report called on the Government to “clarify” the penalties applicable in cases of improper drone use by including explicit penalties in the bill for:

- the weaponisation of drones;
- disabling in-built safety features; and
- failing to register devices.⁵²

⁴⁶ HM Government, [UK Counter-Unmanned Aircraft Strategy](#), 21 October 2019, CP 187.

⁴⁷ House of Commons, [‘Written Statement: UK Counter-Unmanned Aircraft Strategy’](#), 21 October 2019, HCWS24.

⁴⁸ HM Government, [UK Counter-Unmanned Aircraft Strategy](#), 21 October 2019, CP 187, p 30.

⁴⁹ Department for Transport, [‘Aviation 2050: The Future of UK Aviation’](#), 22 October 2019.

⁵⁰ House of Commons, [‘Written Statement: UK Counter-Unmanned Aircraft Strategy’](#), 21 October 2019, HCWS24.

⁵¹ House of Commons Science and Technology Committee, [Commercial and Recreational Drone Use in the UK](#), 11 October 2019, HC 2021 of session 2017–19. See also: House of Commons Science and Technology Committee, [‘Commercial and Recreational Drone Use in the UK Inquiry’](#), accessed 29 October 2019.

⁵² House of Commons Science and Technology Committee, [‘Drones Must be Safely Integrated into Society’](#), 11 October 2019.

The Government has not yet responded to the committee's recommendations.

Provisions

Clauses 12–17, together with schedules 8–11, would expand the regulatory framework for UA to address misuse. In particular, the Government has stated that the clauses in this part address the “growing misuse of UA” through the following provisions:

- New powers for constables to allow them to better enforce UA provisions 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. This includes powers to ground UA, powers to stop and search in specific circumstances, powers to enter and search premises under warrant, and powers to issue fixed penalty notices in certain situations.
- 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 1990.⁵³

The bill provides that UA “means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board”. This includes drones and model aircraft, which are the most commonly used types of UA. It also defines a “small UA” (SUA), in line with the ANO 2016 as “any unmanned aircraft, other than a balloon or kite, having a mass of not more than 20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight”. The term “small unmanned surveillance aircraft”, again in line with the ANO 2016, is defined as a “small UA which is equipped to undertake any form of surveillance or data acquisition”.⁵⁴

Clauses 12–15 would introduce the following schedules:

- Schedule 8, which would give constables and certain prison staff certain powers relating to UA. These include powers to: require that UA be grounded; stop and search persons or vehicles; enter and search premises under warrant; and interfere with property.
- Schedule 9, which makes provision about police powers relating to the requirements of the ANO 2016. This includes in respect of whether an operator of a SUA (those with a mass between 250g and 20kg) is registered; can evidence competency as a remote pilot; and has permission or is exempt from requiring permission for certain flights.
- Schedule 10, which makes provision for fixed penalties that may be applied for offences.
- Schedule 11, which makes provision for sections relating to ANO-related offences to be amended and the enforcement of certain EU-derived legislation.⁵⁵

⁵³ [Explanatory Notes](#), p 6.

⁵⁴ *ibid.*

⁵⁵ *ibid.*, pp 18–30.

Meanwhile, clauses 15 and 16 would:

- Regulate the disclosure of information under provisions in this part.
- Provide for the interpretation of terms within part 3, including “ANO 2016”, “subordinate legislation” and “unmanned aircraft”.

2.4 Part 4: General

Clauses 18–21 concern general matters:

- Clause 18 would allow for regulations to be made by statutory instrument.
- Clause 19 would provide for the bill, if enacted, to apply to England and Wales; Scotland; and Northern Ireland.
- Clause 20 concerns how provisions would commence.
- Clause 21 provides for the short title.⁵⁶

The Government has identified that the bill contains 28 delegated powers, nine of which are Henry VIII powers.⁵⁷ These would allow provisions in primary legislation to be amended or repealed by secondary legislation. Five of these Henry VIII powers concern provisions in part 2 (regarding air traffic services), and four relate to provisions in part 3 (regarding UA). The Government has stated that it is satisfied that these powers are “necessary and justified”.

3. Further Information

- Department for Transport, [Impact Assessment: Enforcing the Development of Airspace Change Proposals](#), 14 August 2019; [Impact Assessment: Updating the Licence Modification Process for the En Route Air Traffic Licence](#), 3 November 2016; and [Impact Assessment: Introduction of Police Powers to Stop and Search for Unmanned Aircraft Misuse](#), 3 January 2020

Government impact assessments for the three key areas of the bill, including economic assessments. The documents set out the Government’s rationale for each of the measures taken forward in each part of the bill and provide explanations for the rejection of alternative policy options.

- House of Commons Science and Technology Committee, [Commercial and Recreational Drone Use in the UK](#), 11 October 2019, HC 2021 of session 2017–19

Committee report providing background information on drones and the current regulatory landscape for unmanned aircraft. The report further considers the opportunities and risks posed by recent advances in drone technology and makes recommendations in respect of education and technological solutions to address concerns associated with the technology.

⁵⁶ [Explanatory Notes](#), pp 30–1. The Government has identified that legislative consent motions would be required in Scotland and Northern Ireland in respect of the provisions in part 3 of the bill ([Explanatory Notes](#), p 12).

⁵⁷ Department for Transport, [Air Traffic Management and Unmanned Aircraft Bill: Memorandum Concerning the Delegated Powers in the Bill for the Delegated Powers and Regulatory Reform Committee](#), 10 January 2020, p 1.