



Department  
for Transport

**Baroness Vere of Norbiton**  
Transport Minister for Roads and Security

Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Tel: 0300 330 3000  
E-Mail: [baroness.vere@dft.gov.uk](mailto:baroness.vere@dft.gov.uk)

Web site: [www.gov.uk/dft](http://www.gov.uk/dft)

4 February 2020

My Lords,

## **Government Amendments to the Air Traffic Management and Unmanned Aircraft Bill**

As I referenced during my opening speech at the Second Reading debate on Monday 27 January, I wanted to draw your attention to seven Government amendments that have been tabled today.

I have tabled some minor technical amendments concerning paragraphs 11, 12 and 13 of new Schedule B1 to the Transport Act 2000, which is contained in Schedule 5 to the Bill. They relate to the ability of the CAA to effectively manage NERL's licence through the use of penalties. These amendments are proposed to:

- set out, with greater clarity, what information is required in the notices given to the licence holder before and after a penalty is imposed for contravention of certain enforcement orders;
- expand the list of matters that the CAA is obliged to have particular regard to when determining the level of penalty, so that due consideration is given to efforts made by a licence holder to comply with the duties, licence or order (as the case may be) and remedy the consequences of any contravention; and
- make consequential amendment elsewhere in Schedule B1 (i.e. interpretation provision in paragraph 22) to ensure consistency.

These amendments will enable the CAA to issue effective notices and ensure that the licence holder is treated fairly when the amount of penalty is determined, therefore reducing the likelihood of challenge and allowing the provisions of the Bill to function as intended.

## **Summary of amendments**

Seven technical amendments would be made to new Schedule B1 to the Transport Act 2000, set out in Schedule 5 to the Bill, which are designed to address the following issues:

- The Bill contains a requirement for the CAA to issue a notice before and after a penalty is imposed, and for the notice to contain certain information (paragraphs 11(2) and 12(2)). However, as the Bill is currently worded, where the penalty is being imposed for contravention of an order, there is no requirement for the notice to specify the actual requirement of the order that is being or has been contravened. An amendment is required for clarity so that the licence holder knows why they are getting fined, and to reduce the risk of the penalty being challenged. Furthermore, in such cases involving a contravention of an order, an amendment is required so that the notice also specifies the relevant licence condition or statutory duty in respect of which the order was originally given.
- The Bill enables the CAA to take pre-emptive action against a licence holder using urgent enforcement orders where it is anticipated that there will be a “likely contravention”. Breach of an urgent enforcement order that has been confirmed may attract a penalty. The wording in the Bill currently requires the penalty notices issued by the CAA to “specify the relevant Chapter 1 requirement” (i.e. the relevant statutory duty or licence condition), and also “specify the act or omission that the CAA has determined constitutes a contravention of the requirement”. The wording may therefore make it difficult for the CAA to issue effective notices in “likely contravention” cases where actual contravention of the Chapter 1 requirement may not have transpired, but there nevertheless has been breach of a requirement in a consequent order. Clarification is required to ensure that penalties can be imposed in such cases.
- The Bill also sets out a list of matters that the CAA must have particular regard to when determining the level of penalty (paragraph 13(3)). This list should be expanded to include (where the penalty is being imposed for breach of an enforcement order or an urgent enforcement order that has been confirmed) the steps that the licence holder has taken to comply with the order, and steps taken to remedy any consequences for breach of the order. This would ensure that any licence holder who has received a penalty is treated fairly.

My Ministerial colleagues and my Bill Team wish to offer our help and support in any way we can. To this extent we have set up a dedicated email address where my officials can be contacted, should you wish to discuss the amendment ahead of Committee stage on Monday 10 February:

[airtrafficanunmannedaircraftbill@dft.gov.uk](mailto:airtrafficanunmannedaircraftbill@dft.gov.uk)

I am placing a copy of this letter in the libraries of both Houses.

Yours,  
Charlotte

**BARONESS VERE OF NORBITON**