
Changes to legislation: There are currently no known outstanding effects for the Air Traffic Management and Unmanned Aircraft Act 2021, PART 2. (See end of Document for details)

SCHEDULES

SCHEDULE 11

AMENDMENT AND ENFORCEMENT REGULATIONS

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.
- (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.

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- (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.

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