

# Air Traffic Management and Unmanned Aircraft Bill [HL]

SECOND  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 3rd February 2020, as follows –*

Clauses 1 to 7	Schedule 8
Schedules 1 and 2	Clause 13
Clauses 8 and 9	Schedule 9
Schedules 3 and 4	Clause 14
Clause 10	Schedule 10
Schedules 5 and 6	Clause 15
Clause 11	Schedule 11
Schedule 7	Clauses 16 to 21
Clause 12	Title.

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

## **Schedule 8**

LORD CRAIG OF RADLEY

**24** Page 64, line 9, leave out “controlling” and insert “in control of or has operation of”

***Member’s explanatory statement***

*Probing amendment regarding whether an unmanned aircraft flying automatically on a pre-programmed route is the responsibility of its operator, even when it is not being manually controlled at the time from the ground.*

LORD CAMPBELL-SAVOURS

**25** Page 64, line 12, at end insert –

- “( ) In requiring a person to ground an aircraft under this paragraph, a constable may also exercise the power to confiscate the unmanned vehicle.
- ( ) A person whose unmanned aircraft is confiscated under this paragraph may apply to the magistrates court for an order for its return.”

**Schedule 8 - continued**

LORD CRAIG OF RADLEY

26 Page 64, line 16, leave out “controlling” and insert “in control of or has operation of”

**Member’s explanatory statement**

*Probing amendment regarding whether an unmanned aircraft flying automatically on a pre-programmed route is the responsibility of its operator, even when it is not being manually controlled at the time from the ground.*

27 Page 64, line 18, after “to” insert “forfeiture of the unmanned aircraft and any article associated with the unmanned aircraft and to”

**Member’s explanatory statement**

*Probing amendment, providing for an additional penalty to act as a deterrent for improper use.*

LORD ROSSER  
LORD TUNNICLIFFE

28 Page 66, line 24, at end insert –

*“Annual statement on stop and search demographics*

2A(1) The Secretary of State must, at the end of the period of 12 months beginning on the day this Act is passed, lay before both Houses of Parliament a statement setting out how many times the police have exercised the stop and search powers under paragraph 2 of this Schedule.

(2) The statement must include a list of each incident broken down by protected characteristics of each person searched, as defined in section 4 of the Equality Act 2010.

(3) The Secretary of State must lay before Parliament a report in similar terms covering each subsequent 12 month period, within six months of that period ending.”

**Member’s explanatory statement**

*This amendment would require the Secretary of State to publish details of the demographics of those who have been stopped and searched.*

*The above-named Lords give notice of their intention to oppose the Question that Schedule 8 be the 8th Schedule to the Bill.*

**After Clause 13**LORD ROSSER  
LORD TUNNICLIFFE

29 Insert the following new Clause –

**“Report on police and prison resources**

The Secretary of State must prepare and publish a report on whether the police and prisons are sufficiently resourced to carry out the functions in Schedules 8 and 9 within 12 months of section 12 coming into force.”

**Member's explanatory statement**

*This amendment would require the Secretary of State to prepare and publish a report on whether the police and prisons are sufficiently resourced to carry out the new functions in this Bill.*

**Schedule 9**

LORD CRAIG OF RADLEY

- 30 Page 78, line 2, after “to” insert “forfeiture of the unmanned aircraft and any article associated with the unmanned aircraft and to”

**Member's explanatory statement**

*Probing amendment, providing for an additional penalty to act as a deterrent for improper use.*

**Schedule 10**LORD ROSSER  
LORD TUNNICLIFFE

*The above-named Lords give notice of their intention to oppose the Question that Schedule 10 be the 10th Schedule to the Bill.*

**After Clause 16**BARONESS RANDERSON  
LORD BRADSHAW

- 31 Insert the following new Clause—

**“Review of existing legislation relating to unmanned aircraft**

- (1) Within six months of the passing of this Act, the Secretary of State must lay before Parliament a review of the protections surrounding unmanned aircraft in existing legislation, and whether those protections are sufficient.
- (2) The review should make reference to, but is not limited to—
  - (a) whether existing privacy legislation is sufficient to cover threats posed to personal privacy by unmanned aircraft;
  - (b) the merits of introducing mandatory remote identification;
  - (c) the merits of introducing mandatory geo-fencing;
  - (d) whether existing criminal law sufficiently protects against—
    - (i) the modification of unmanned aircraft; and
    - (ii) the weaponisation of unmanned aircraft;
  - (e) whether there should be a minimum age for the purchase and operation of unmanned aircraft.
- (3) The review must make a recommendation as to whether the Government should bring forward further legislation in light of its findings.”

**Member's explanatory statement**

*This amendment would require the Government to undertake a review of existing legislation relating to unmanned aircraft, and to recommend whether further legislation is required to ensure sufficient protections.*

32 Insert the following new Clause—

**“Additional requirements for drones**

- (1) The Air Navigation Order 2016 (S.I. 2016/765) is amended as follows.
- (2) After article 94(5) insert—
  - “(6) The person in charge of a small unmanned aircraft must not fly the aircraft unless its geo-fencing equipment is in operation and up-to-date.
  - (7) The person in charge of a small unmanned aircraft must not fly the aircraft unless it is remotely identifiable and this identifier is linked to the person in charge through the Drone and Model Aircraft Registration and Education Service.
  - (8) The requirements for geo-fencing equipment and remote identification do not apply to a person in charge of a small unmanned aircraft with a permission granted by the CAA to operate without these restrictions.”

***Member’s explanatory statement***

*This amendment places additional requirements on drones, so that they must have up-to-date geo-fencing equipment and mandatory remote identification.*

LORD ROSSER  
LORD TUNNICLIFFE

33 Insert the following new Clause—

**“Additional requirements for drones**

After article 94(5) of the Air Navigation Order 2016 (S.I. 2016/765) insert—

- “(6) The person in charge of a small unmanned aircraft must not fly the aircraft unless its geo-fencing equipment is in operation and up-to-date.
- (7) The person in charge of a small unmanned aircraft must not fly the aircraft unless it is remotely identifiable and registered under the Drone and Model Aircraft Registration and Education Service.
- (8) The requirement for geo-fencing equipment under paragraph (6) does not apply to a person in charge of a small unmanned aircraft with a permission granted by the CAA to operate without this restriction.”

***Member’s explanatory statement***

*This amendment would create additional requirements for drones relating to identification and geo-fencing.*

LORD WHITTY

33A★ Insert the following new Clause—

**“Unmanned aircraft safety features**

After article 94(5) of the Air Navigation Order 2016 (S.I. 2016/765) insert—

- “( ) The person in charge of a small unmanned aircraft must not fly the aircraft if its inbuilt safety features are inoperable or have been disabled.”

***Member’s explanatory statement***

*This would provide that a drone should not be flown if its inbuilt safety features, such as geo-fencing, lights, transponder etc, are broken or have been deliberately disabled.*

**33B★** Insert the following new Clause—

**“Operation of multiple unmanned aircraft prohibited**

After article 94(5) of the Air Navigation Order 2016 (S.I. 2016/765) insert—

“( ) A person must only be in charge of a single small unmanned aircraft at any time.””

***Member’s explanatory statement***

*This would clarify the law such that any person may only be controlling a single drone at any one time. This would prevent a single person controlling more than one doing different missions, and also “swarming” whereby a large number of drones may be flown as part of the same mission.*

**33C★** Insert the following new Clause—

**“Alcohol and drugs**

In section 94(1) of the Railways and Transport Safety Act 2003, at the end insert—

“(i) being a person in charge of a small unmanned aircraft.””

***Member’s explanatory statement***

*This would mean a drone operator would be fulfilling an “aviation function” according to the Railways and Transport Safety Act 2003 and would therefore be subject to drug and alcohol laws in line with pilots, cabin crew, air traffic controllers and others.*

**After Clause 17**

LORD ROSSER  
LORD TUNNICLIFFE

**34** Insert the following new Clause—

**“Strategy on managing risks from unmanned aircraft operated from overseas**

- (1) The Secretary of State must prepare a strategy for managing risks arising from unmanned aircraft operated from overseas.
- (2) The Secretary of State must publish the strategy no later than twelve months after this Act is passed.
- (3) The Secretary of State must keep the strategy under review and revise it if appropriate.
- (4) The Secretary of State must publish any revised strategy.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to prepare and publish a strategy on managing risks arising from unmanned aircraft operated from overseas.*

**35** Insert the following new Clause—

**“Review of unmanned aircraft legislation**

- (1) The Secretary of State must prepare a strategy for reviewing legislation relating to unmanned aircraft.
- (2) The Secretary of State must publish the strategy no later than one month after this Act is passed.

**After Clause 17 - continued**

- (3) The Secretary of State must keep the strategy under review and revise it if appropriate.
- (4) The Secretary of State must publish any revised strategy.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to prepare and publish a strategy on reviewing legislation relating to unmanned aircraft.*

**Clause 20**

LORD ROSSER  
LORD TUNNICLIFFE

36 Page 11, line 26, leave out paragraphs (b) and (c)

***Member’s explanatory statement***

*This amendment is linked to the other amendment to Clause 20 in the names of Lord Rosser and Lord Tunncliffe.*

37 Page 11, line 29, leave out subsection (2) and insert –

- “(2) Sections 12 to 17 may not come into force, other than as provided under subsection (1), until the Secretary of State has consulted with bodies including but not limited to –
  - (a) Sussex Police,
  - (b) Gatwick Airport,
  - (c) the Royal Air Force,
  - (d) the Civil Aviation Authority,
  - (e) the British Airline Pilots’ Association,
  - (f) consumer rights groups,
  - (g) any other bodies deemed appropriate.
- (2A) The consultation must include an assessment of the extent to which the provisions of the Act are sufficient to protect airports from risks arising from unmanned aircraft.
- (2B) The Secretary of State must lay before both Houses of Parliament a report of the consultation within six months of this section coming into force.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to consult with those involved in the 2018 Gatwick incident.*

# Air Traffic Management and Unmanned Aircraft Bill [HL]

SECOND  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

---

*10 February 2020*

---