



**Northern Ireland  
Assembly**

**Committee for Justice**

**REPORT ON THE LEGISLATIVE CONSENT MOTION –  
AIR TRAFFIC MANAGEMENT AND UNMANNED AIRCRAFT BILL**

**NIA 27/17-22**

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## **Powers and Membership**

The Committee for Justice is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and under Standing Order 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department of Justice and has a role in the initiation of legislation.

The Committee has power to:

- consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- consider relevant subordinate legislation and take the Committee stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on any matters brought to the Committee by the Minister of Justice.

The Committee has 9 members including a Chairperson and Deputy Chairperson and a quorum of 5.

The membership of the Committee during the current mandate has been as follows:

Mr Paul Givan (Chairman)

Ms Linda Dillon (Deputy Chairman)

Mr Doug Beattie

Ms Sinéad Bradley<sup>1</sup>

Ms Jemma Dolan<sup>2</sup>

Mr Gordon Dunne

Mr Paul Frew

Ms Emma Rogan<sup>3, 4</sup>

Ms Rachel Woods

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<sup>1</sup> With effect from 26 May 2020, Ms Sinéad Bradley replaced Mr Patsy McGlone

<sup>2</sup> With effect from 16 March 2020, Ms Jemma Dolan replaced Mr Pat Sheehan

<sup>3</sup> With effect from 17 February 2020, Ms Martina Anderson replaced Mr Raymond McCartney

<sup>4</sup> With effect from 9 March 2020, Ms Emma Rogan replaced Ms Martina Anderson

## Background

1. The Air Traffic Management and Unmanned Aircraft Bill was introduced in the House of Lords on 9 January 2020. The Bill aims to tackle the fast-growing problems associated with unmanned aircraft (drone activity) – for example, the drone activity around Gatwick Airport in December 2018 and the use of drones around prisons in England, Wales and Scotland to convey items such as controlled drugs, mobile phones, weapons and equipment to facilitate escapes.
2. The Bill is divided into four parts, the provisions of which apply in England, Scotland, Wales and Northern Ireland:
  - Part 1** – provides new powers for the Secretary of State (delegable to the Civil Aviation Authority (CAA)) to direct airports and other entities with functions relating to air navigation to progress airspace change proposals (ACPs), which will be linked to the CAA's Airspace Modernisation Strategy.
  - Part 2** – updates the regulatory framework governing the provision of air traffic services.
  - Part 3** – introduces police powers and prison powers relating to unmanned aircraft, including grounding an unmanned aircraft; stop and search; entering and searching premises under warrant; use of counter-unmanned aircraft technology; and fixed penalty notices.
  - Part 4** – sets out general provisions relating to regulations, territorial extent, commencement etc.
3. In Northern Ireland, the Bill will amend the Police Act 1997 to allow senior Northern Ireland Prison Service (NIPS) and Youth Justice Agency (YJA) staff (rather than senior police officers) to receive applications and authorise their respective staff to interfere with a drone. Applications may only be authorised by senior NIPS or YJA staff where it will prevent or detect a relevant offence as defined by the Prison Act (Northern Ireland) 1953, which include assisting an escape or conveying unauthorised articles into a place of detention. This will allow rapid action against real time drone incidents.
4. A number of new UK-wide police powers are introduced to allow for better enforcement of unmanned aircraft provisions in the Air Navigation Order 2016.

## **Purpose of the Legislative Consent Motion**

5. As civil aviation is reserved under Schedule 3 to the Northern Ireland Act 1998, legislative consent is not required in respect of airspace or air traffic services provisions. The police powers introduced to tackle the unlawful use of unmanned aircraft are ancillary to the overall unarmed aircraft strategy which, as part of civil aviation, is reserved.
6. A Legislative Consent Motion will be required specifically for the proposal to allow senior NIPS and YJA officials to authorise counter-drone measures in relation to the unlawful use of drones near custodial institutions. The use of drones in Northern Ireland around places of detention has, to date, been rare. Nonetheless, the Department of Justice is keen to take the opportunity presented by the Bill to “future-proof” against a potential rise in this type of drone activity.
7. The Department of Justice advises that the measures in the Bill will provide the PSNI with greater enforcement capability, help NIPS and YJA detect and prevent offences committed using drones around places of detention and act as a deterrent to those who would commit such offences.

## **Committee Consideration of the Legislative Consent Motion**

8. The Committee for Justice considered a written briefing paper on the proposed Legislative Consent Motion on the Air Traffic Management and Unmanned Aircraft Bill at the meeting on 14 May 2020. The Committee agreed that an oral briefing from Department of Justice officials on the proposed LCM or any further written information/clarification was not required.
9. The Legislative Consent Memorandum was laid by the Department of Justice on 22 May 2020.
10. At the meeting on 28 May 2020 the Committee agreed that it was content with the Department of Justice proposal to extend provisions in the Air Traffic Management and Unmanned Aircraft Bill relating to the interference with unmanned aircraft (drones) over places of detention to Northern Ireland by way of a Legislative Consent Motion.
11. While content with the LCM, a Member asked for further information regarding the registration of drones. The Committee agreed to follow this matter up separately with the Department of Justice.

## Conclusion

12. Following consideration of the Legislative Consent Memorandum laid on 22 May 2020, the Committee for Justice agreed to support the Minister of Justice in seeking the Assembly's endorsement of the Legislative Consent Motion:

*“That this Assembly agrees the extension to Northern Ireland of certain provisions within the Air Traffic Management and Unmanned Aircraft Bill relating to the interference with unmanned aircraft (drones) over places of detention.”*

## **Appendices**

### **Appendix 1 – Department of Justice Briefing Paper**

Department of Justice, March 2020 – Briefing paper: The Air Traffic Management and Unmanned Aircraft Bill

### **Appendix 2 – Minutes of Proceedings**

[14 May 2020](#)

[28 May 2020](#)

4 June 2020

### **Appendix 3 – Legislative Consent Memorandum**

Department of Justice, 21 May 2020 – Legislative Consent Memorandum