

# Supplementary Instruction CAP 797 FISO Manual



## Safety and Airspace Regulation Group

Airspace, ATM & Aerodromes

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Effective: 13 July 2023

## Freezing Orders and Sanctions

### 1 Introduction

- 1.1 The purpose of this Supplementary Instruction (SI) is to detail changes made to the Flight Information Service Officer (FISO) Manual (CAP 797) to align enforcement actions and sanctions with the Manual of Air Traffic Services – Part 1 (CAP 493) by removing the term 'Mareva injunction' and adding guidance on Sanctions imposed by His Majesty's Government.

### 2 Background

- 2.1 Following a review by the CAA's Office of the General Counsel (OGC), it was identified that the term 'Mareva injunction' is now considered to be outdated and that the term 'freezing order' should be used instead.
- 2.2 In addition, it has been identified that FISOs may be required to relay messages on behalf of the UK Government relating to transport sanctions on the movement of aircraft.

### 3 Amendment to CAP 797

- 3.1 With effect from 13 July 2023, the FISO Manual (CAP 797) is amended as shown at [Appendix A](#). This change will be incorporated into CAP 797 in due course.

### 4 Queries

- 4.1 Any queries or further guidance required on the content of this SI should be marked for the attention of Airspace & ATM Policy and sent to [ats.enquiries@caa.co.uk](mailto:ats.enquiries@caa.co.uk)
- 4.2 Any queries relating to the availability of this SI should be marked for the attention of Safety & Business Delivery and sent to [ats.documents@caa.co.uk](mailto:ats.documents@caa.co.uk)

### 5 Cancellation

- 5.1 This SI shall remain in force until incorporated into CAP 797 or it is cancelled, suspended or amended.

## Appendix A

### Chapter 3

## Freezing Orders

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- 3.21 A freezing order (previously known as a 'Mareva injunction') is a court order, which prevents a defendant from removing assets from the UK and, thus, from the jurisdiction of the court. FIS providers and their personnel may be notified of freezing orders imposed on specific aircraft. Although a freezing order is most likely to be served at the aerodrome where the aircraft is located, it is possible that an order could also be notified to a FIS unit in relation to an aircraft in flight.
- 3.22 Freezing orders relating to aircraft are likely to specify the aircraft registration rather than a particular callsign. Upon receipt of a freezing order, FIS providers should establish whether they are in communication with the aircraft in question.
- 3.23 Where an aircraft subject to a freezing order is being provided with a FIS, FISOs should inform the pilot:
- "You are subject to a Court Order prohibiting your aircraft from leaving the United Kingdom, what are your intentions?"*
- This procedure is to be applied irrespective of whether the aircraft is conducting an internal UK or an international flight.
- 3.24 FISOs must not take any actions that would be detrimental to flight safety; consequently, FIS should continue to be provided as normal, even in the event that the pilot continues their flight. It should be noted that freezing orders are relevant to international flight and that aircraft subject to such an order could be flying legitimately on an internal flight with no intention of leaving the UK territorial boundaries.
- 3.25 FIS providers should promulgate, as considered necessary, local procedures dealing with the circumstances of a freezing order being served. In developing such local procedures, FIS providers should also consider taking legal advice as required in order to ensure that the procedures are consistent with legal obligations in relation to the order.

## Sanctions

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- 3.26 Sanctions are restrictive measures that can be put in place to fulfil a range of purposes. In the UK, these include complying with UN and other international obligations, supporting foreign policy and national security objectives, as well as maintaining international peace and security, and preventing terrorism.
- 3.27 Relay of standard ATC clearances and provision of information pertinent to the safe conduct of the flight shall continue to be transmitted unless otherwise directed by

the appropriate higher authority. It may be considered expedient by HM Government to restrict the ownership, registration or movement of aircraft, including the detention of aircraft. This may include an aircraft that is planning to enter or depart from UK airspace or is already in UK airspace in breach of UK sanctions. When authorised by HM Government through the parent ACC or Aerodrome Authority, the following RTF phraseology is to be used:

- (1) “(Callsign) I am instructed by His Majesty’s Government to refuse entry into United Kingdom airspace. What are your intentions?”;
- (2) “(Callsign) I am instructed by His Majesty’s Government to inform you that landing clearance has been refused for any airfield within the United Kingdom. What are your intentions?”;
- (3) “(Callsign) I am instructed by His Majesty’s Government that you are to hold at (e.g. location on the aerodrome, exact reporting point, or latitude/longitude) at (level). Acknowledge.”

**Note:** If the aircraft is on the ground, the Aerodrome Authority will be the coordinating authority with HM Government.

- 3.28 If an adjacent ATC agency is required to relay a message on behalf of the UK, they should be requested to pass the text verbatim.
- 3.29 If the aircraft that is subject to the sanction fails to acknowledge and/or comply with the message, FISOs should continue to provide traffic information to all affected flights.
- 3.30 The aircraft’s intentions or their failure to acknowledge and/or comply with HM Government instructions are to be reported to the parent ACC or aerodrome operator, as appropriate, as soon as practicable.
- 3.31 Should the aircraft declare an emergency, FISOs should provide as much assistance as possible and report the occurrence to the parent ACC or aerodrome operator, as appropriate, as soon as practicable. The MoD, acting on advice from DfT, NATS or the Police, may select a diversion destination if necessary.