

Air Navigation (Amendment) Order 2018 - Guidance for small unmanned aircraft users

Introduction

On 30 May 2018, the United Kingdom Government published an amendment to the UK Air Navigation Order 2016 (ANO) which contains its changes to the legislation regarding the operation of small unmanned aircraft.¹ The amendment is published as Statutory Instrument (SI) 2018 No. 623, entitled 'The Air Navigation (Amendment) Order 2018'. This can be found at: www.legislation.gov.uk/ukxi/2018/623/made. Some articles (parts) of the amendment come into force on 30 July 2018, but others take a further 16 months, coming into force on 30 November 2019.

Purpose of this document

This document has been written with the aim of providing readers, particularly those who are less familiar with the layout and structure of ANO amendments, with an outline of the revised regulations as they now appear in law; to provide guidance on the effects of the changes; and how they will be interpreted by the CAA.

Structure of the Amendment

The SI is structured in the form of a series of textual changes that need to be made to the original ANO document. While the amendment has introduced some 'completely new' articles in which the full text is given, the meaning of many of the other changes cannot be fully understood by reading the SI on its own. By way of assistance, a consolidated version of the ANO articles that have been affected by this amendment can be found at Annex A.

Although the SI document consists of eight pages of text, the areas covered by the amendment are relatively few and can be summarised as:

- Effective from 30 July 2018
 - A 400 ft operating height limitation for all small unmanned aircraft
 - A new limitation on the closest distance that small unmanned aircraft weighing 7 kg or less may be flown near specific types of aerodrome

1 'Small unmanned aircraft' means any unmanned aircraft, other than a balloon or a kite, having a mass of not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight.

- Changes to terminology with the introduction of the terms 'remote pilot' and 'SUA operator' in place of the previously-used term 'person in charge'
- Minor corrections to the ANO 2016 to provide clarification or to correct previous errors
- Effective from 30 November 2019
 - A requirement for the registration of SUA operators
 - A requirement for the competency of remote pilots to be tested

Article 7 - meaning of 'commercial operation'

This article has been adjusted very slightly in order to make it more applicable to small unmanned aircraft than was previously the case. It also relates more specifically to an 'SUA operator', now that this is a distinct term (as opposed to the more generic term 'operator').

The intent of this is unchanged from before. The key elements in understanding the term are: '... any flight by a small unmanned aircraft [...] in return for remuneration or other valuable consideration.'

The term 'available to the public' within Article 7 should be interpreted as being a service or commodity that any member of the public can make use of, or actively choose to use (e.g. because it has been advertised or offered to someone).

Article 20 - application of the Order to the Crown

This is a simple amendment which now includes the term 'SUA operator' within the text.

Article 23 - exceptions from the provisions of the Order

This is an important Article, because it exempts small unmanned aircraft (as well as small balloons, small kites and parachutes) from the majority of the ANO's provisions, and it then specifies those Articles which still apply. The Articles that still apply are:

Article 2	Interpretation
Article 91	Dropping of articles for agriculture etc.
Article 92	Mooring, tethering, etc. (not related to small unmanned aircraft)
Article 93	Release of small balloons (not related to small unmanned aircraft)
Article 94	Small unmanned aircraft: requirements
Article 94A	Small unmanned aircraft: height restrictions on flights (new)
Article 94B	Small unmanned aircraft: restrictions on flights over or near aerodromes (new)
Article 94C	Small unmanned aircraft: registration of SUA operator (new)
Article 94D	Small unmanned aircraft: requirement for registration as SUA operator (new - not applicable until 30 November 2019)
Article 94E	Small unmanned aircraft: competency of remote pilots (new)
Article 94F	Small unmanned aircraft: requirement for acknowledgement of competency (new - not

applicable until 30 November 2019)

- Article 94G Meaning of 'remote pilot' and 'SUA operator' (new)
- Article 95 Small unmanned surveillance aircraft
- Article 239 Power to prohibit or restrict flying (Prohibited and Restricted Areas)
- Article 241 Endangering safety of any person or property
- Article 257 CAA's power to prevent aircraft flying (except 257(2)(a))

The following articles also apply insofar as they relate to the articles above:

- Article 253 Revocation, suspension, variation of certs, licences or other documents (new to this list)
- Article 265 Offences and penalties
- Article 266 Exemption from the ANO (new to this list)
- Article 269 Certificates, authorisations, approvals and permissions (new to this list)

Article 94 - small unmanned aircraft: requirements

In terms of its meaning and intent, this article is essentially unchanged from previous, with the only changes being:

- The term 'person in charge' has been replaced with either 'remote pilot' or 'SUA operator' as applicable
- The previous reference to a height limit of 400 ft for small unmanned aircraft with a mass greater than 7 kg in paragraph 94(4)(c) has been removed, as the same requirement has now been included in Article 94A
- A new paragraph 94(4A) has been added which essentially states that the requirements within the airspace described in the new Article 94B (the 'flight restriction zone' of a protected aerodrome) take precedence over the requirements of paragraph 94(4). In simple terms, this means that if you are flying a small unmanned aircraft that is over 7 kg mass and have received permission from an ATC unit to fly within controlled airspace or an aerodrome traffic zone, you must also ensure that you have received an additional permission to fly within the 'Inner or Outer Zones' (see 94B below)

Irrespective of all the new aspects within the ANO amendment, it is vital to remember that Article 94 sets out the two key principles of small unmanned aircraft flying that must always be applied:

Article 94(2) The remote pilot is directly responsible for ensuring that the aircraft is flown safely

Article 94(3) The remote pilot must not fly the aircraft out of his/her sight, in order to ensure that collisions can be avoided

Article 94A - small unmanned aircraft: height restrictions on flights

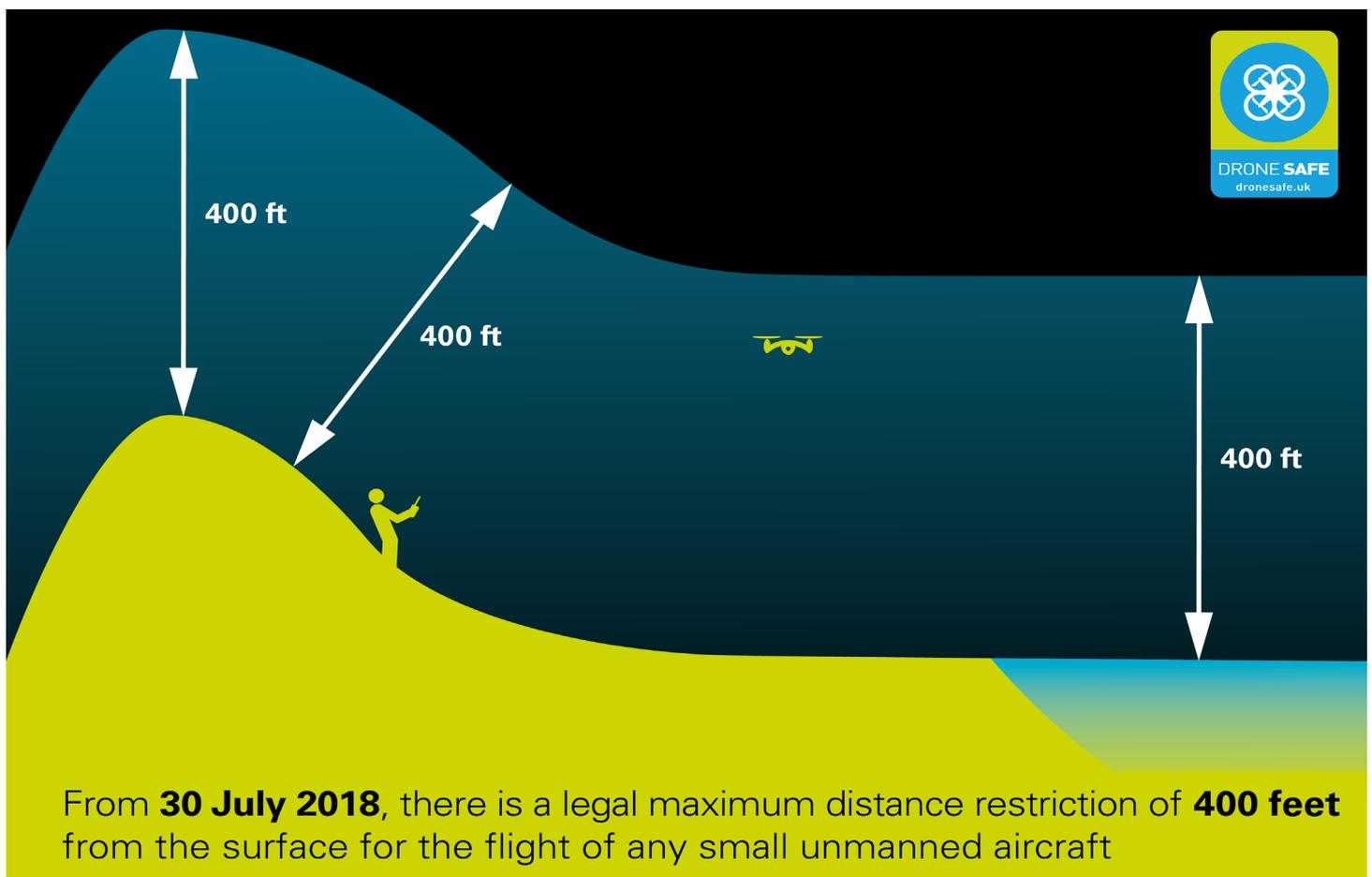
This article introduces a legal maximum height restriction of 400 feet above the surface for the flight of any small unmanned aircraft. Previously, this height restriction only applied to small unmanned aircraft with a mass greater than 7 kg, but now the height limit applies to all small unmanned aircraft, regardless of mass. However, there is scope within the article for the CAA to permit flight at a greater height if the CAA is satisfied that this can be achieved safely.

This height limitation is intended to contribute to the safety of manned aircraft from the risk of collision with a small unmanned aircraft. With the obvious exception of take-off and landing, the majority of manned aircraft are required by the rules of the air to fly at heights greater than 500 ft from the surface. While there are some other exceptions where manned aircraft are permitted to fly at 'low level' (such as Police, Air Ambulance and Search and Rescue helicopters, as well as military aircraft), flying a small unmanned aircraft below 400 ft significantly reduces the likelihood of an encounter with a manned aircraft. The height limitation is also identical to the one that is being introduced within the forthcoming European regulations for the operation of unmanned aircraft.

In aviation terms, 'height' means the vertical distance of an object (in this case the small unmanned aircraft) from a specified point of datum (in this case above the surface of the earth). To cater for the few occasions where a small unmanned aircraft is being flown over hilly/undulating terrain or close to a cliff edge, the 400 ft height above the surface requirement may be interpreted as being a requirement to remain within a 400 ft distance from the surface, as shown in the diagram below. For the purposes of Article 94A, this is considered to be an acceptable means of compliance with the legal requirement.

Remember that the limitation applies to 'heights above/distances from' the surface of the earth. It does not automatically apply to heights/distances from tall buildings or other structures: in such cases, an additional permission from the CAA will be required, which will invariably also require permission to operate within a congested area.

The CAA has currently issued a General Exemption (ORS4 No. 1226) allowing the operation of certain small unmanned aircraft to be flown using 'first person view' (FPV) equipment up to a height of 1,000 ft in certain, specified, cases. In order to remain within the spirit of Article 94A, this General Exemption will shortly be reissued with a lower 400 ft height limit. This revision of the General Exemption will also ensure that the privileges it offers will remain in line with the requirements of the forthcoming European regulations for the operation of unmanned aircraft.



Additional work is underway with UK aeromodelling associations to permit certain 'model aircraft' operations to continue above 400 ft when being flown within an appropriate club or association environment.

Details on how to obtain permissions from the CAA can be found on the CAA's website at: www.caa.co.uk/uas or within CAP 722 at www.caa.co.uk/cap722.

Article 94B - small unmanned aircraft: restrictions on flights that are over or near aerodromes

While Article 94(4) already imposes a number of airspace-related restrictions, they only apply to small unmanned aircraft with a mass that is greater than 7 kg. This new Article imposes restrictions on the flight of all small unmanned aircraft within the immediate vicinity of aerodromes that have been termed 'protected aerodromes'.

In simple terms, a 'protected aerodrome' is an aerodrome that has an Aerodrome Traffic Zone (ATZ) established around it, and so it is already recognised in aviation circles as an aircraft operating location that warrants some additional safeguarding. The existence of an ATZ also provides a direct link with the airspace referred to in Article 94(4) for the 'over 7 kg' small unmanned aircraft. It also makes the identification of the relevant aerodromes easier on aviation charts (although the ATZs are not marked on charts for aerodromes that are also surrounded by a control zone (CTR)).

A protected aerodrome can be one of the following:

- An EASA certified aerodrome (i.e. what we would typically call an airport)
- A Government aerodrome (i.e. a military airfield)
- A national licensed aerodrome (i.e. most smaller 'General Aviation' airfields, where the CAA has issued a licence to the airfield operator)

There is also scope for other aerodromes that do not have an ATZ to be specifically nominated (prescribed) in law as protected aerodromes at a later date. As yet, though, no additional aerodromes have been identified for this classification. Any that are prescribed in the future will be identified within the UAS pages of the CAA website.

Details of the aerodromes that fall into the 'protected' category can be found within the UK Aeronautical Information Publication (UK AIP) at the following links:

- EASA certified and national licensed aerodromes (and RAF Northolt): http://www.nats-uk.ead-it.com/public/index.php%3Foption=com_content&task=blogcategory&id=6&Itemid=13.html
- Government aerodromes: go to ENR 2.2, pages 2.2-1 to 2.2-5 at http://www.nats-uk.ead-it.com/public/index.php%3Foption=com_content&task=blogcategory&id=4&Itemid=11.html (Scroll down to 'ENR 2 - Air Traffic Services and Airspace' and click 'ENR 2.2').

Flight restrictions near protected aerodromes

The basic idea of the new restrictions is that you must not fly a small unmanned aircraft closer than 1 km from the boundary of a protected aerodrome without first checking that you have permission to do so. The airspace around a protected aerodrome is now called the 'flight restriction zone' and is divided into two separate zones as follows:

- The 'Inner Zone' which consists of the area over the aerodrome and up to the aerodrome boundary

- The 'Outer Zone' which is a ring of airspace outside of the aerodrome between the Inner Zone (i.e. the aerodrome boundary) and a line that is 1 km from the aerodrome boundary

In almost all cases, it should be relatively simple, with a little application of common sense, to identify the aerodrome boundary.

- Aerodromes are normally bounded by some form of fence, barrier or other 'vegetation line' such as a hedge where it is quite clear that a boundary exists between 'normal life' and an area that has been set aside for the operation of aircraft. In some cases, this may be a 'natural' boundary such as a shoreline or cliff edge.
- The boundaries around aerodromes are quite clearly marked on Ordnance Survey maps and are also shown on the 1:250,000 scale CAA VFR Charts.
- Additionally, the 'aerodrome charts' that are depicted within the 'Aerodromes Specific' section of the UK AIP (see the paragraph above regarding 'protected aerodromes') also give a suitable visual indication of the extent of the aerodrome (the shaded areas).
- If all else fails, then the relevant aerodrome operator can be contacted to establish where the relevant boundary is.

Once the aerodrome boundary has been identified, it is a relatively simple task to measure a distance of 1 km from this in order to establish the limits of the Outer Zone.

Keep out of the flight restriction zone of a protected aerodrome

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1 km (Outer Zone)

Inner Zone

Inner Zone – **the area over the aerodrome up to the boundary**
Outer Zone – **1 km from the aerodrome boundary**

Additional points to note

- Remember that, unless you have been specifically exempted by the CAA, small unmanned aircraft operations must all be conducted within the visual line of sight of the remote pilot (i.e. the person flying the aircraft must keep it within his/her unaided line of sight at all times). Therefore, the distances from aerodromes that are being discussed here are relatively small and so should easily be able to be determined/measured visually.
- Flying a small unmanned aircraft this close to an aerodrome carries with it a number of additional risks to manned aircraft departing from and landing at the aerodrome, so the obvious question to ask yourself would be 'do I really need to fly at this location?' Unless you are actively conducting aerial work related to the aerodrome itself, in which case you will have already been liaising with the aerodrome operators, there should be little real need to fly a small unmanned aircraft this close to an aerodrome anyway.
- Note that some sites, particularly military ones, may also feature 'accommodation areas' that are outside of the aerodrome boundary but are within the Outer Zone. In this case, you should also note that the requirements of Article 95, regarding flight over congested areas, organised open-air assemblies and flight close to uninvolved people or properties, still apply.
- Finally, remember that this Article does not automatically imply that it is 'legal' to fly a small unmanned aircraft at a range of 'just over' 1 km from an aerodrome boundary at a height of 400 ft (e.g. in the approach path to a runway where manned aircraft will be at a similar height or even, perhaps, lower). The requirements of Articles 94(2) and 94(3) still apply (to be satisfied that the flight can be conducted safely, and to maintain visual contact with your aircraft for the purpose of avoiding collisions). Additionally, of course, the requirements of Article 241 (not to endanger persons or properties) always apply too.

Article 94B also contains a table which allows a comparison of the circumstances that apply at the time of the intended small unmanned aircraft flight with the specific flight restrictions that are applicable. While the precise details in the table should always be checked, in very simple terms these can be described as:

- If there is an air traffic control unit or a flight information service unit in place (i.e. there is someone in the 'control tower' at the time of the flight that you can speak to), then you cannot fly in any part of the flight restriction zone without first obtaining the permission of that unit.
- If there is no one to contact in the 'control tower' (either because the unit is not being manned or because the aerodrome does not have such a unit in the first place), then you can fly within the Outer Zone, but you cannot fly within the Inner Zone (over the aerodrome) without first obtaining the permission of the aerodrome operator. In both cases, the 400 ft height restriction of Article 94A still applies.

Article 94C - certain small unmanned aircraft: registration of SUA operator

This Article is simply an 'establishing' article which gives a legal instruction to the CAA to create a scheme for the registration of SUA operators by 1 October 2019. It has no further relevance to people involved in flying small unmanned aircraft until the registration scheme has been created by the CAA. Details of the requirements for operators will be communicated by SkyWise and on the CAA website in due course.

The registration service will be developed and operated by the CAA. A project is underway within the CAA to undertake the relevant analysis, design and development, and will run according to Government Digital Service practices (including procurement where necessary).

Article 94D - certain small unmanned aircraft: requirement for registration as SUA operator

This Article does not come into force until 30 November 2019. From this point, it sets out the requirements that will be in place for registration which are essentially:

- The registration requirements only apply to SUA operators
- SUA operators are only required to be registered if they are operating small unmanned aircraft that have a mass of 250 grams or more
- An SUA operator must have a valid registration when his/her small unmanned aircraft is flown and the registration number must be displayed on the aircraft
- A remote pilot must not fly a small unmanned aircraft unless he/she is happy that the SUA operator has a valid registration and the registration number is displayed on the aircraft

Article 94E - certain small unmanned aircraft: competency of remote pilots

Like Article 94C, this is simply an 'establishing' article which gives a legal instruction to the CAA to create a scheme for the competence testing of remote pilots by 1 October 2019. It has no further relevance to people involved in flying small unmanned aircraft until the competency testing scheme has been created by the CAA. Details of the requirements for operators will be communicated by SkyWise and on the CAA website in due course.

Article 94F - certain small unmanned aircraft: requirement for acknowledgement of competency

This Article does not come into force until 30 November 2019. From this point, it sets out the requirements that will be in place for remote pilot competency testing which are essentially:

- Remote pilots are only required to undertake a competency test if they are flying a small unmanned aircraft that has a mass of 250 grams or more.
- A remote pilot must not fly a small unmanned aircraft unless he/she can demonstrate that he/she is competent.
- An SUA operator must not allow his/her aircraft to be flown unless satisfied that the remote pilot has passed the appropriate competency test.

Article 94G - meaning of 'remote pilot' and 'SUA operator'

This Article provides the definitions of remote pilot and SUA operator, which replace the previous 'person in charge' term. The separate terms are used to denote the differing levels of responsibility of each position and to also accommodate the November 2019 registration and competency requirements. In many cases, of course, it should be noted that the remote pilot and the SUA operator will be the same individual.

Article 95 - small unmanned surveillance aircraft

In terms of its meaning and intent, this article is essentially unchanged from previous, with the only changes being that the term 'person in charge' has been replaced with either 'remote pilot' or 'SUA operator' as applicable.

Further information

For further information, visit www.caa.co.uk/uas and dronesafe.uk.

All operators currently holding a permission, exemption or approval relating to small unmanned aircraft will need to update all their Operating Manuals accordingly. This needs to be done prior to any submission of an application to the CAA. Applications made without the necessary changes will be rejected and applicants will be required to reapply.

Please note that CAP 722 is currently being revised to accommodate these changes and to provide updated CAA policy and guidance to the UAS community. This will be communicated through SkyWise and the CAA website.

ANO 2016 consolidated small UAS articles, as amended by the Air Navigation (Amendment) Order 2018

Articles come into force on 30 July 2018 except where stated otherwise

Meaning of 'commercial operation'

- 7 For the purposes of this Order, "commercial operation" means any flight by a small unmanned aircraft except a flight for public transport, or any operation of any other aircraft except an operation for public transport -
- (a) which is available to the public; or
 - (b) which, when not made available to be public -
 - (i) in the case of a flight by a small unmanned aircraft, is performed under a contract between an operator and a customer, where the latter has no control over the remote pilot; or
 - (ii) in any other case, is performed under a contract between an operator and a customer, where the latter has no control over the operator,
- in return for remuneration or other valuable consideration.

Application of the Order to the Crown

- 20 (1) Subject to the provisions of this article and article 22, the provisions of this Order apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.
- (2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft is deemed to be the operator of the aircraft or, in the case of a small unmanned aircraft, to be the SUA operator and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.
- (3) Nothing in this article renders liable to any penalty any Department or other authority responsible on behalf of Her Majesty for the management of any aircraft.
- 23 (1) This article applies to -
- (a) any small balloon;
 - (b) any kite weighing not more than 2 kg;
 - (c) any small unmanned aircraft; and
 - (d) any parachute including a parascending parachute.
- (2) Subject to paragraph (3), nothing in this Order applies to or in relation to an aircraft to which this article applies.

(3) Articles 2, 91, 92, 93, 94, 94A, 94B, 94C, 94D, 94E, 94F, 94G, 95, 239, 241 and 257 (except 257(2)(a)) apply to or in relation to an aircraft to which this article applies, and articles 253, 265, 266 and 269 apply in relation to those articles.

Small unmanned aircraft: requirements

- 94 (1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.
- (2) The remote pilot of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.
- (3) The remote pilot of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.
- (4) If a small unmanned aircraft has a mass of more than 7 kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, the SUA operator must not cause or permit the aircraft to be flown, and the remote pilot in charge of the aircraft must not fly it -
- (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained; or
 - (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained
- (4A) Paragraph (4) does not apply to any flight within the flight restriction zone of a protected aerodrome (within the meaning given in article 94B).
- (5) The SUA operator must not cause or permit a small unmanned aircraft to be flown for the purposes of commercial operations, and the remote pilot of a small unmanned aircraft must not fly it for the purposes of commercial operations, except in accordance with a permission granted by the CAA.

Small unmanned aircraft: height restrictions on flights

- 94A (1) The SUA operator must not cause or permit a small unmanned aircraft to be flown at a height of more than 400 feet above the surface, and the remote pilot of a small unmanned aircraft must not fly it at a height of more than 400 feet above the surface, unless the permission of the CAA has been obtained.
- (2) This article does not apply to any flight within the flight restriction zone of a protected aerodrome (within the meaning given in article 94B).

Small unmanned aircraft: restrictions on flights that are over or near aerodromes

- 94B (1) This article applies to a flight by a small unmanned aircraft within the flight restriction zone of a protected aerodrome.

(2) The “flight restriction zone” of a protected aerodrome consists of the following two zones -

- (a) the “Inner Zone”, which is the area within, and including, the boundary of the aerodrome;
- (b) the “Outer Zone”, which is the area between -
 - (i) the boundary of the aerodrome; and
 - (ii) a line that is 1 km from the boundary of the aerodrome (the “1 km line”)

(3) In the circumstances set out in an entry in column 1 of the following table -

- (a) the SUA operator must not cause or permit the small unmanned aircraft to be flown in the Inner Zone or the Outer Zone; and
- (b) the remote pilot of a small unmanned aircraft must not fly it in the Inner Zone or the Outer Zone

if the flight breaches a flight restriction set out in the entry in column 3 of the table which relates to that zone in those circumstances.

Circumstances	Zone	Flight restriction(s)
There is an air traffic control unit or a flight information service unit (or both) at the protected aerodrome, and the flight takes place during the notified hours of watch of the air traffic control unit or flight information service unit.	Inner Zone or Outer Zone	A flight at any height is prohibited unless the permission of the air traffic control unit or flight information service unit has been obtained.
(a) There is neither an air traffic control unit nor a flight information service unit at the protected aerodrome; or (b) There is either an air traffic control unit or a flight information service at the protected aerodrome, and the flight takes place outside the notified hours of watch of the air traffic control unit or flight information service unit; or (c) There are both an air traffic control unit and a flight information service unit at the protected aerodrome, and the flight takes place outside the notified hours of watch of the air traffic control unit and outside the notified hours of watch of the flight information service unit.	Inner Zone	(1) A flight at a height up to and including 400 feet above the surface is prohibited unless the permission of the operator of the aerodrome has been obtained. (2) A flight at a height of more than 400 feet above the surface is prohibited unless both - (a) the permission of the operator of the aerodrome has been obtained; and (b) the permission of the CAA has been obtained.
	Outer Zone	A flight at a height of more than 400 feet above the surface is prohibited unless the permission of the CAA has been obtained.

(4) The 1 km line is to be drawn so that the area which is bounded by it includes every location that is 1 km from the boundary of the aerodrome, measured in any direction from any point on the boundary.

(5) In this article, “protected aerodrome” means -

- (a) an EASA certified aerodrome;
- (b) a Government aerodrome;
- (c) a national licensed aerodrome; or
- (d) an aerodrome that is prescribed or of a prescribed description.

Certain small unmanned aircraft: registration of SUA operator

94C (1) Subject to the following provisions of this article, the CAA must issue a certificate of registration as an SUA operator to a person, or renew that person’s certificate of registration as an SUA operator, if the person -

- (a) has applied to the CAA, in such a manner as the CAA may require, to be registered as an SUA operator;
- (b) has supplied such information and evidence as the CAA may require, and
- (c) has, in the case of an individual, attained the age (if any) that is prescribed.

(2) Subject to paragraph (3), a certificate of registration may relate -

- (a) to a particular description of small unmanned aircraft;
- (b) to a particular description of flights by small unmanned aircraft.

(3) No certificate of registration is to be issued in relation to -

- (a) small unmanned aircraft with a mass of less than 250 grams without their fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of their flight, or
- (b) flights by small unmanned aircraft of that description

(4) A certificate of registration issued, or renewed, under this article is valid for the period shown on the certificate, subject to -

- (a) article 253, or
- (b) the SUA operator notifying the CAA, in such manner as the CAA may require, that the SUA operator surrenders the certificate.

(5) The CAA is not required to accept applications for certificates of registration under this article before 1st October 2019.

Certain small unmanned aircraft: requirement for registration as SUA operator (effective 30 November 2019)

94D (1) This article applies to a flight by a small unmanned aircraft only if it has a mass of 250 grams or more without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight.

(2) The SUA operator must not cause or permit the small unmanned aircraft to be flown unless -

(a) the CAA has issued the SUA operator with a certificate of registration which is valid for that flight at the time of the flight, and

(b) the SUA operator's registration number is displayed on the aircraft in the manner (if any) that is prescribed.

(3) The remote pilot of the small unmanned aircraft must not fly it unless the remote pilot has reasonably formed the view that the SUA operator complies with the requirements in paragraph (2) in relation to that flight.

(4) In this article -

"certificate of registration" means a certificate issued under article 94C;

"registration number" means the ten digit registration number assigned by the CAA in relation to an SUA operator's registration under article 94C.

Certain small unmanned aircraft: competency of remote pilots

94E (1) Subject to the following provisions of this article, the CAA must issue an acknowledgement of competency to an individual, or renew that individual's acknowledgement of competency, if the individual -

(a) has applied to the CAA, in such manner as the CAA may require, for an acknowledgement of competency,

(b) has supplied such information and evidence as the CAA may require,

(c) has undertaken such training as the CAA may require, and

(d) has undergone such tests as the CAA may require.

(2) That training or those tests may relate to matters which include -

(a) the practical operation of small unmanned aircraft;

(b) matters connected with the operation of small unmanned aircraft (such as respect for privacy, data protection, safety, security and environmental protection).

(3) Subject to paragraph (4), an acknowledgement of competency may relate -

(a) to a particular description of small unmanned aircraft;

(b) to a particular description of flights by small unmanned aircraft.

(4) No acknowledgement of competency is to be issued in relation to -

(a) small unmanned aircraft with a mass of less than 250 grams without their fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of their flight, or

(b) flights by small unmanned aircraft of that description.

(5) An acknowledgement of competency issued, or renewed, under this article is valid for the period shown on the acknowledgement, subject to article 253.

(6) The CAA may issue an acknowledgement of competency subject to such conditions as it deems appropriate.

(7) The CAA is not required to accept applications for acknowledgements of competency under this article before 1st October 2019.

Certain small unmanned aircraft: requirement for acknowledgement of competency (effective 30 November 2019)

- 94F
- (1) This article applies to a flight by a small unmanned aircraft only if it has a mass of 250 grams or more without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight.
- (2) The remote pilot of the small unmanned aircraft must not fly it unless the CAA has issued the remote pilot with an acknowledgement of competency which is valid for that flight at the time of the flight.
- (3) The SUA operator must not cause or permit the small unmanned aircraft to be flown unless the SUA operator has reasonably formed the view that the remote pilot of the aircraft complies with the requirements in paragraph (2) in relation to that flight.
- (4) In this article “acknowledgement of competency” means an acknowledgement issued under article 94E.

Meaning of “remote pilot” and “SUA operator”

- 94G
- In this Order -
- (a) the “remote pilot”, in relation to a small unmanned aircraft, is an individual who -
- (i) operates the flight controls of the small unmanned aircraft by manual use of remote controls, or
 - (ii) when the small unmanned aircraft is flying automatically, monitors its course and is able to intervene and change its course by operating its flight controls,
- (b) the “SUA operator”, in relation to a small unmanned aircraft, is the person who has the management of the small unmanned aircraft.

Small unmanned surveillance aircraft

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- (1) The SUA operator must not cause or permit a small unmanned surveillance aircraft to be flown in any of the circumstances described in paragraph (2), and the remote pilot of a small unmanned surveillance aircraft must not fly it in any of those circumstances, except in accordance with a permission issued by the CAA.
- (2) The circumstances referred to in paragraph (1) are -
- (a) over or within 150 metres of any congested area;
 - (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
 - (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the SUA operator or the remote pilot of the aircraft; or

(d) subject to paragraphs (3) and (4), within 50 metres of any person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Paragraphs (2)(d) and (3) do not apply to the remote pilot of the small unmanned surveillance aircraft or a person under the control of the remote pilot of the aircraft.

(5) In this article, “a small unmanned surveillance aircraft” means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Schedule 1

“Remote pilot” has the meaning assigned to it by article 94G(a)

“SUA operator” has the meaning assigned to it by article 94G(b)