STATUTORY INSTRUMENTS

2018 No. 623

CIVIL AVIATION

The Air Navigation (Amendment) Order 2018

Made - - - - *23rd May 2018*

Laid before Parliament *30th May 2018*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 23rd day of May 2018

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2)(b), (3)(c), (d), (e), (h), (l), (n) and (q) and (4), 61(1)(a) and 101 of, and Schedule 13 to, the Civil Aviation Act 1982(**1**).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation and commencement

1.—(1) This Order may be cited as the Air Navigation (Amendment) Order 2018.

(2) Subject to paragraphs (3) to (5), this Order comes into force on 30th July 2018.

(3) Article 5(b) comes into force on 30th November 2019 for the purposes of inserting into article 23(3) of the Air Navigation Order 2016(**2**) the references to articles 94D and 94F of that Order(**3**).

(4) Article 7 comes into force on 30th November 2019 for the purposes of inserting articles 94D and 94F into that Order.

(5) Article 10(a) comes into force on 30th November 2019.

Amendment of the Air Navigation Order 2016

2. The Air Navigation Order 2016 is amended as follows.

(**1**) 1982 c. 16. Section 61 was amended by the Aviation (Offences) Act 2003 (c. 19), section 2. There are other amendments but none is relevant.

(**2**) S.I. 2016/765.

(**3**) Articles 94D and 94F are inserted by article 7 of this Order.

Amendment of article 7

3. In article 7 (meaning of "commercial operation")—

(a) in the words before paragraph (a), for "operation of an aircraft other than" substitute "flight by a small unmanned aircraft except a flight for public transport, or any operation of any other aircraft except an operation";

(b) in paragraph (b), for "public," substitute—

"public—

(i) in the case of a flight by a small unmanned aircraft, is performed under a contract between the SUA operator and a customer, where the latter has no control over the remote pilot; or

(ii) in any other case,".

Amendment of article 20

4. In article 20 (application of the Order to the Crown), in paragraph (2), after "operator of the aircraft" insert "or, in the case of a small unmanned aircraft, to be the SUA operator".

Amendment of article 23

5. In article 23(3) (articles which apply to small unmanned aircraft etc.)—

(a) after "92," insert "93,";

(b) after "94," insert "94A, 94B, 94C, 94D, 94E, 94F, 94G,";

(c) for "article 265 applies" substitute "articles 253, 265, 266 and 269 apply".

Amendment of article 94

6. In article 94 (small unmanned aircraft)—

(a) in the heading, after "aircraft" insert ": requirements";

(b) in paragraph (2), for "person in charge" substitute "remote pilot";

(c) in paragraph (3), for "person in charge" substitute "remote pilot";

(d) in paragraph (4)—

(i) for the words before sub-paragraph (a) substitute—

"(4) If a small unmanned aircraft has a mass of more than 7kg 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—";

(ii) in sub-paragraph (a), at the end insert "or";

(iii) omit sub-paragraph (c) (and the word "or" preceding it);

(e) after paragraph (4) insert—

"(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).";

(f) for paragraph (5) substitute—

"(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.".

Additional provisions relating to small unmanned aircraft

7. After article 94 insert—

"**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 the 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	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—

Circumstances	*Zone*	*Flight restriction(s)*
(b) there is either an air traffic control unit or 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 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.		(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 as an 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 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