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# Introduction to UK Drone Legislation

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## 1. Introduction to Drone Legislation

‘Drone’ is a term commonly used to describe any pilotless vehicle which can be controlled either remotely by a pilot or autonomously through pre-programmed instructions. Drones are used within many private and public sector ventures, ranging from Law Enforcement to agriculture.

While the term ‘Drone’ can be used to describe several different types of pilotless vehicle (for instance Unmanned Ground Vehicles (UGV's), Unmanned Surface Vehicles/Vessels (USV's) or Unmanned Underwater Vehicles (UUV's)), for the purpose of this document ‘Drone’ will be taken to refer to an ‘Unmanned Aircraft System’ or UAS, which is the terminology used in law.

Aerial Drones are also referred to by a number of different names, all of which mean slightly different things to different people, including:

- Remotely Piloted Aerial Systems (RPAS)
- Unmanned Aerial Vehicle (UAV)
- Small Unmanned Aerial System (SUAS)
- Small Unmanned Aircraft
- Model Aircraft / control line-model aircraft / round-the-pole model aircraft
- Tethered Unmanned Aircraft
- Radio Controlled Aircraft
- Quadcopter
- Multi-rotor

For simplicity, this document will either use the term ‘Drone’ or ‘Unmanned Aerial System’ (UAS) as these are the terms most commonly understood by a majority of the public and by police, and this must be read to include all types of unmanned aircraft.

The laws and regulations covering the use of drones in the UK changed at the beginning of 2021. The changes to the Air Navigation Order 2016<sup>1</sup> introduced a risk-based framework for unmanned aircraft operations, setting out three categories for drone flights according to the level of risk, and removing the distinction between ‘commercial’ and ‘non-commercial’ drone operations.

The legislation is complex and difficult to explain succinctly. While this document identifies general limitations, conditions and offences that apply to drones being flown in the UK, there are no shortcuts to understanding the legal framework in the Air Navigation Order and the associated Regulations<sup>2</sup>. It will be necessary to invest time and effort to fully understand the legislation and how it should be applied and enforced by policing to deal with offenders and ensure the safety of the public.

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<sup>1</sup> Made by The Air Navigation (Amendment) Order 2020

<sup>2</sup> EU Delegated Regulation (DR) 2019/945 and EU Implementing Regulation (IR) 2019/947



## Operating Categories

Drones can be flown in most areas of open and 'unrestricted' airspace across the UK, but important restrictions and limitations apply if a drone is being flown outside<sup>3</sup>. These conditions apply at all times of the day or night, and the framework applies to all types of unmanned aircraft.

Drone flights, referred to in law as 'UAS Operations', are classed into Categories according to the level of risk they pose to the public and other airspace users. The Categories dictate **where** drones of a certain **weight** and **type** can fly, and **how close** they can fly to uninvolved people, crowds and built-up areas.

Drone flights will fall into one of three categories, which are explained in more detail later in this document:

- **OPEN:** UAS Operations which present low risk to third parties – further split into 3 subcategories: A1, A2 and A3
- **SPECIFIC:** UAS Operations which are more complex or which fall outside the Open Category.
- **CERTIFIED:** UAS Operations which are very complex, and which present the same high risk as 'manned' aviation.

In very simple terms: the higher the Risk involved in a drone flight, the more restrictions and limitations apply. Some restrictions and limitations apply to all drone flights and some only apply to flights within certain categories, involving drones of specific weights/types or drones flying for specific purposes.

This includes whether the **Drone Operator** needs to be registered with the CAA, whether the **Remote Pilot** needs to hold any competency qualifications, and whether insurance is required to operate the drone.

In law, the **Operator** is the person who is responsible for managing the drone and its operations (in most cases this will be the owner), and the **Remote Pilot** is the person who actually flies the drone. In some cases this will be the same person, but in other cases these will be different people. Where they are the same person, they must comply with the requirements of both the UAS Operator and the Remote Pilot. Some models of drone also allow control to be passed from one person to another during the flight, and in these cases it is the person controlling the drone at any given point in time who should be considered to be the remote pilot.

This document will focus on the OPEN Category (mainly hobbyist/recreational use and some commercial use) and the SPECIFIC Category (mainly commercial use and

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<sup>3</sup> The rules do not apply to drones flown indoors or entirely within enclosed areas from where they cannot escape – for instance in areas entirely surrounded by netting.



flights operating under a model flying club authorisation), as this is where the vast majority of drone flights of interest to policing are likely to take place.

This document will not deal with drone flights in the CERTIFIED category, as this is a very specialised area and it is unlikely that police will be required to deal with drone flights or incidents in this category as part of normal everyday policing. Any enquiries relating to drone flights in the CERTIFIED category should be directed to the NPCC Counter Drones Team in the first instance.

### **Model Aircraft Flying Clubs**

Four UK model associations (BMFA, LMA, SAA and FPV-UK), who represent UK model aircraft flying clubs, have obtained a joint 'authorisation' from the CAA which applies more flexible operating limitations to members of recognised clubs when flying under that authorisation anywhere in the UK.

This is explained in more detail in Chapter 5 of this document, but it is important to note that some of the conditions, limitations and offences set out in this document which apply to the general public may not apply to BMFA, LMA, SAA or FPV-UK members when they are flying under the joint CAA authorisation.

### **Drone Types**

On the 1st January 2021 a new Regulation<sup>4</sup> came into effect in the UK which creates manufacturer standards (class C0 to C6) for any drones newly placed onto the market from 1st January 2023.

It is anticipated that it will be a number of years before any 'C' class drones are on sale and flying in UK airspace, and therefore this document will focus on drones that are already on sale and operating within the UK – these are referred to as **Legacy Drones**.

In general terms, **Legacy Drones** can be split into different classes depending on their characteristics (the terminology used in the below bullet points will be explained later in this document):

- **<250g drones** (including privately-built <250g drones)  
These can fly in the OPEN A1, A2 and A3 subcategories and the SPECIFIC Category. Operators must be registered if the drone has a camera capable of recording, and is not a 'toy'<sup>5</sup>. Pilots do not need to hold any competency qualifications from the CAA.

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<sup>4</sup> EU Delegated Regulation (DR) 2019/945

<sup>5</sup> 'Toys' are drones which are marketed as being suitable for use by a person under the age of 14. Essentially, if the product is not marked as such within its packaging, it cannot be considered to be a toy.



- **250g<500g drones**

These can fly in the OPEN A3 and SPECIFIC categories, and if the pilot holds a 'Certificate of Competency' they can also be flown in the OPEN A1 and A2 categories until 31<sup>st</sup> December 2022. Operators must be registered with the CAA and Pilots must hold a competency qualification.

- **500g<2kg drones**

These can fly in the OPEN A3 and SPECIFIC categories, and if the pilot holds a 'Certificate of Competency' they can also be flown in the OPEN A2 category until 31<sup>st</sup> December 2022. Operators must be registered with the CAA and Pilots must hold a competency qualification.

- **2<25kg drones**

These can only be flown in the OPEN A3 and SPECIFIC categories. Operators must be registered with the CAA and Pilots must hold a competency qualification.

Legacy drones that have not been manufactured to the standards set in the Delegated Regulation (including all drones which are currently on the market) will never be 'C' class drones, regardless of whether their characteristics match those of the future C0 to C6 manufacturer standards.

Further information on the conditions and limitations that apply to drones manufactured to the new standards (C0-C6) will follow in due course.

## **1.1 Drone Law and Policing**

There is an important difference between flying a drone in an unlawful manner and using a drone in the commission of a crime. For instance, drones can be used to enable or facilitate criminality such as: Burglary, Harassment, Voyeurism, Aggravated Trespass, Public Order Offences, Drug Offences, Assault, Criminal Damage, Prison Offences or Terrorism Offences.

Having a clear understanding of drone legislation is essential for dealing with both unlawful flying and drone-enabled crime.

To date, drone legislation is largely untested by UK courts and there are few, if any, useful stated cases. Many offences set out in the relevant legislation are summary-only, but it is important to recognise that this does not necessarily reflect the levels of threat, harm and risk that unlawful drone flying poses to the public, or how seriously this issue should be taken by UK policing.

NPCC Counter Drones are engaged with the CPS regarding the new legislation and the potential for an increase in the number of prosecutions arising from the unlawful use of drones or the use of drones to facilitate more serious offences.

Advice can be obtained from the NPCC Counter Drones team (24/7 On-call number 07391 414700 - not for public disclosure) where enforcement or prosecution action is





being considered. Early engagement with the CPS is also advised where court action is being considered.

## **1.2 Investigating Offences involving Drones**

In all cases, the principles for dealing with identified or suspected criminality involving the use of a drone are the same as for any other type of crime, regardless of whether this relates to the use of the drone itself or to other criminality which is being enabled or facilitated by the use of the drone.

As with any potential offence coming to the attention of police, where criminality involving the use of a drone is apparent or suspected, police are entitled and obliged to take action to ensure an appropriate policing outcome is achieved – i.e. preventing and detecting crime, bringing offenders to justice and ensuring the safety of the public.

The police response should include the normal considerations for investigating initial allegations: obtaining accounts from the informant, witness or victim, identifying a suspect and gathering and seizing evidence to assist the investigation and support subsequent police action, including arrest and prosecution where appropriate.

Officers should actively consider using normal police powers (e.g. PACE or Common Law) to seize and retain drones and/or control devices for biometric and/or digital forensic examination through existing force mechanisms as part of their investigation.

Similarly, where a person is suspected of involvement in criminal offences linked to the use of a drone, they should be dealt with in the same way as any other person suspected of involvement in a criminal offence. This includes consideration of using powers of arrest, interviewing, reporting for summons, or any other police action required to investigate their involvement in criminality and, as appropriate, bring them to justice.

Further guidance and advice is available in the NPCC “Investigating and Responding to the Criminal Use of Drones” document and also from the NPCC Counter Drones Team.



## 2 - General Drone Offences

It is important to understand that, in addition to conditions and limitations that apply to drone flights in particular categories, some limitations **apply to all drone flights**, regardless of the category the drone is flying in.

If a drone is being flown in breach of any of the following, it is likely that a criminal offence is being committed by the Operator and/or the Pilot(s) (if they are not also the Operator), regardless of any additional offences that apply to the particular category.

1. It is an offence for a drone to endanger any person, property, other aircraft or animal.
2. It is an offence to fly a drone without the pilot maintaining direct, unaided Visual Line of Sight (VLOS) of the drone and its surrounding airspace<sup>6</sup>.
3. It is an offence to fly a drone more than 120m from the closest point on the earth's surface<sup>7</sup>
4. It is an offence to carry anything dangerous on a drone or drop anything from a drone.<sup>8</sup>
5. It is an offence to fly a drone without the Operator being registered with the CAA and without showing the Operator ID on the aircraft<sup>9</sup>
6. It is an offence to fly a drone without the pilot holding CAA competency (i.e. a DMARES 'FlyerID') and without the pilot carrying proof of that competency while flying<sup>10</sup>
7. It is an offence to fly a drone within an aerodrome Flight Restricted Zone (FRZ), or in any other restricted airspace, without permission
8. It is an offence to fly a drone close to or inside areas where an emergency response effort is ongoing, without permission

Each of these is explained in more detail in ANNEX A, including any exceptions which apply. A table of offences and underpinning legislation is included at ANNEX E.

**NOTE – Some of the above offences do not apply to Drone flights operating under the joint UK flying club authorisation – see Chapter 5 for further information.**

<sup>6</sup> Some exceptions apply – see later. Note that some drones allow control to be passed mid-flight from one pilot to another, who may be located elsewhere. In such cases, it is the pilot currently flying the drone who must maintain VLOS for the duration of time they are in control.

<sup>7</sup> Some exceptions apply – see later

<sup>8</sup> It is possible for a drone to be allowed to release items during a flight if this is specifically accommodated in an Operational Authorisation issued by the CAA under the SPECIFIC category. Officers will need to check specific exemptions and limitations granted to Operators before taking action in respect of a drone releasing any article during a flight in the SPECIFIC category.

<sup>9</sup> Some exceptions apply – see later

<sup>10</sup> Some exceptions and additional competency requirements apply – see later

### 3 – The OPEN, SPECIFIC and CERTIFIED Categories

In addition to the general offences outlined in Chapter 2, further conditions and limitations will apply depending on which category a drone is flying in, mainly taking into account the weight of the drone and the proximity of a drone flight to:

1. **Uninvolved Persons** (i.e. persons not under the control and direction of the pilot or operator),
2. **Assemblies of People** (defined as any group where people cannot move quickly out of the way of a drone because of the number of people around them)
3. **‘Congested Areas’** (i.e. areas that are used for residential, commercial, industrial or recreational purposes that are densely populated or likely to be occupied by large numbers of persons.)

In general terms, heavier drones flying closer to uninvolved persons, assemblies or congested areas present a higher risk than lighter drones flying further from uninvolved persons, assemblies or congested areas. Accordingly, greater restrictions and limitations apply to those flights to ensure the safety of the public and other users of the airspace.

The three categories in which drones can be flown in the UK's airspace are:

#### The OPEN category

This covers lower-risk drone operations and is aimed at recreational/hobbyist drone flights and some low-risk commercial flights. It is split into three subcategories with differing limitations and conditions:

- OPEN A1 – ‘Fly over people’ – Basic, low-risk flying with the smallest drones, including ‘Toys’
- OPEN A2 – ‘Fly close to people’ – Low-risk flying with small drones closer to people
- OPEN A3 – ‘Fly far from people’ – Basic, low-risk flying with drones up to 25kg

#### The SPECIFIC category

This covers moderate-risk UAS Operations involving drones weighing up to 25kg. It is mainly aimed at commercial or enterprise drone operations, but also includes flights undertaken by Emergency Services and members of UK flying clubs operating under their joint CAA Flying Club Authorisation. UAS Operations in the SPECIFIC category must be conducted in accordance with a specific Operational Authorisation granted to the Operator by the CAA.



## The CERTIFIED category

This covers high risk UAS Operations, for instance very large drones flying over assemblies, or transporting people or dangerous goods. This category is subject to regulations and controls similar to those covering manned aviation.

Most police involvement in potential drone offences will be in the OPEN and SPECIFIC categories. Therefore this document will not deal with drone flights in the CERTIFIED category, however further advice and information regarding drone flights in the CERTIFIED category is available from the NPCC Counter Drones Team if required.

## 3.1 The OPEN category

This document focuses on the types of drones that are **currently flying within the UK**. These drones are referred to as **Legacy Drones**. General limitations for **Legacy Drones** flying in the **OPEN category** include the following:

1. Drones must have a take-off mass of less than 25kg
2. Drones must not fly over any assemblies of people.
3. Direct, unaided VLOS of the drone and its surrounding airspace must be maintained at all times during the flight<sup>11</sup>
4. Drones must not fly within the Flight Restricted Zone (FRZ) of a protected aerodrome, or in any other restricted airspace, without the appropriate permission.
5. The pilot must be in a fit condition to fly, and not impaired through drink, drugs, injury, fatigue, medication, sickness or other causes.
6. Before taking off, the pilot must ensure the drone is in a condition to safely complete the flight
7. During the flight, the drone must not drop any material or carry any dangerous goods
8. The drone must not be flown close to or inside an area where an emergency response is ongoing, without permission from the responsible emergency service.

If any of the above are breached, it is likely that the Operator and/or the pilot (where they are not the same person) will be committing one or more offences.

Further conditions and limitations then apply depending on which Subcategory the drone is flying in: – i.e. A1, A2 or A3.

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<sup>11</sup> Unless flying within the parameters of the 'Unmanned Aircraft Observer' or 'Follow-Me mode' provisions explained in ANNEX A to this document.



### 3.1.1 The OPEN A1 Subcategory – ‘Flying over people’

Which Drones can fly in OPEN A1 Subcategory?

- The OPEN A1 Subcategory is available to ‘toys’ and **Legacy Drones** with a flying weight, including any payload, of less than 250g.
- If the drone is privately built, in order to fly in the OPEN A1 subcategory it must weigh less than 250g and its maximum speed must be less than 19 metres per second (approx. 42.5 mph).

What operational limitations apply to this subcategory?

- Drones flying in the OPEN A1 Subcategory are allowed to fly within ‘congested areas’ – i.e. Residential, Commercial, Industrial and Recreational areas.
- <250g Drones flying in the OPEN A1 Subcategory are allowed to fly over uninvolved persons but they must not fly over assemblies of people.
- There is no defined distance for flying <250g drones close to or over uninvolved persons but the laws on endangering persons, property and animals still apply.
- Pilots must maintain VLOS of the drone and its surrounding airspace, but they can use the Unmanned Aircraft Observer provision and they can use the ‘Follow Me’ mode provision up to a maximum 50m horizontally from the pilot.

Transitional Arrangements until 31<sup>st</sup> December 2022

- Until 31<sup>st</sup> December 2022, the A1 Subcategory is also available to **A1 Transitional Drones** - i.e. drones with a take-off mass between 250<500g – if the Pilot holds an **A2 Certificate of Competency**.
- The A2 Certificate of Competency is an additional qualification available from the CAA that allows certain drones to be flown in the OPEN A1 and OPEN A2 subcategories until the end of December 2022. Pilots must carry proof of this competency at all times when operating a drone.
- ‘A1 Transitional Drones’ flying in the OPEN A1 subcategory must not overfly assemblies, and pilots must “reasonably expect that no uninvolved persons will be overflown” for the duration of the flight. Where an uninvolved person is unintentionally overflown, pilots must minimise the time during which they are overflown.

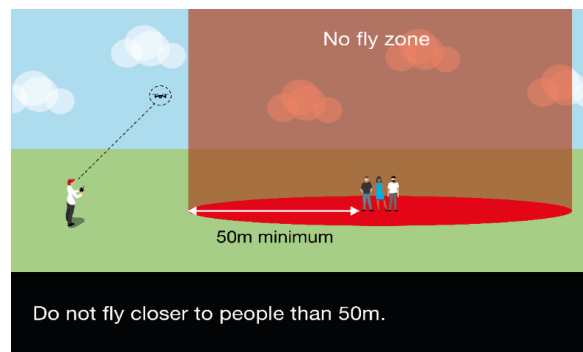
### 3.1.2 The OPEN A2 Subcategory – ‘Flying close to people’

Which Drones can fly in OPEN A2 Subcategory?

- Until 31<sup>st</sup> December 2022, the OPEN A2 Subcategory is available to **Legacy Drones** with a flying weight, including any payload, of less than 2Kg. These are known as **A2 Transitional Drones**.
- In order to fly an A2 Transitional Drone in the A2 Subcategory, pilots must hold an **A2 Certificate of Competency** issued by the CAA. Proof of this competency must be carried by the pilot at all times while operating an A2 Transitional Drone in the A2 subcategory.

What operational limitations apply to this subcategory?

- Drones flying in the OPEN A2 Subcategory are allowed to fly within ‘congested areas’ – i.e. Residential, Commercial, Industrial and Recreational areas.
- A2 Transitional Drones flying in the OPEN A2 Subcategory are not allowed to fly within 50m horizontally of any uninvolved persons, whether in a congested area or not.
- There is no height above which people can be overflown by an A2 Transitional Drone in the A2 subcategory. The horizontal limit effectively creates a cylinder with a radius of 50m around uninvolved persons, reaching from the ground all the way to the sky, within which an A2 Transitional drone must not fly.
- The 50m horizontal limit also applies to assemblies of people and any persons inside buildings, vehicles, vessels or structures.



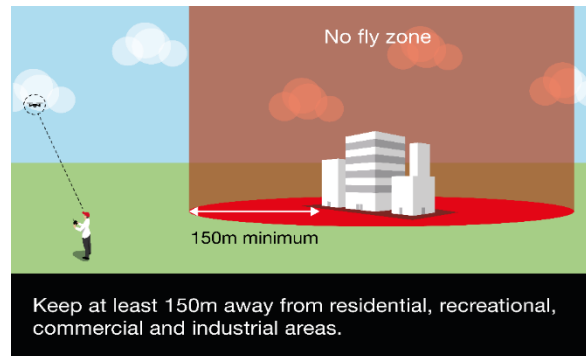
### 3.1.3 The OPEN A3 Subcategory – ‘Flying far from people’

Which Drones can fly in OPEN A3 Subcategory?

- The OPEN A3 Subcategory is available to **Legacy Drones** with a flying weight, including any payload, of less than 25Kg.
- If a drone cannot fly within the A1 or the A2 subcategory, it can only be flown in the A3 subcategory (or, if Authorisation has been obtained from the CAA, the SPECIFIC category).

What operational limitations apply to this subcategory?

- Drones flying in the OPEN A3 subcategory are not allowed to fly within 150m horizontally of any residential, commercial, industrial or recreational areas.
- This horizontal limit effectively creates a cylinder with a radius of 150m around congested areas, reaching from the ground all the way to the sky, within which a drone flying in the A3 category must not fly.
- There is no specified minimum distance that a drone flying in the A3 subcategory must keep from uninvolved persons, structures, buildings, roads, bridges, railway lines, vehicles or vessels which are not within a congested area.
- However, the Implementing Regulations state that pilots must “check the presence of any uninvolved person” in the operating area before starting their flight, and that flights in the A3 subcategory shall only “be conducted in an area where the pilot reasonably expects that no uninvolved person will be endangered” during the entire time of the UAS operation.





## 3.2 The SPECIFIC category

The distinction between 'Commercial' and 'non-Commercial' drone operations was removed by the changes to legislation at the end of 2020. Accordingly, the previous CAA 'Standard Permission' and 'Permission for Commercial Operations (PfCO)' framework has also been removed.

Now, Operators are able to conduct commercial operations in the OPEN Category as long as the operations are within the parameters of the A1, A2 or A3 subcategories.

Operators wishing to conduct drone operations outside of the OPEN category must apply to the CAA for authority to operate in the SPECIFIC category. Where authority is granted, the Operator will be issued with an **Operational Authorisation** which sets out the parameters within which the drone operations must take place.

If a drone operation in the SPECIFIC category takes place other than in accordance with the parameters granted by the CAA in the Operational Authorisation, the Operator and/or the pilot is highly likely to be committing one or more offences.

Existing Permissions for Commercial Operations (PfCOs) granted before the end of 2020 will be valid until they expire or until 1<sup>st</sup> January 2022 (whichever is earlier). The CAA have issued a document (ORS4/1449<sup>12</sup>) which amends existing Permissions to bring them into line with the new standard Operational Authorisations which will be issued from 1<sup>st</sup> January 2021.

### Standard Conditions for flying in the Specific Category

While the CAA can grant a variety of exemptions through an Operational Authorisation, it is anticipated that the vast majority of Operational Authorisations granted will set out a 'standard' set of limitations and conditions based on a pre-defined Risk Assessment (UKPDRA01). Authorisations based on UKPDRA01, which must be followed by drone operators and pilots for each flight to avoid an offence being committed, include the following:

1. Drones must have a maximum take-off weight/flying weight of less than 25kg
2. Pilots must be employed by or contracted to the Operator
3. Pilots must hold a current 'GVC' or 'NQE' qualification (or equivalent), and must carry proof of their competency at all times while operating the drone
4. Insurance cover must be in place that meets EC Regulation No. 785/2004
5. Pilots must maintain the drone within VLOS, out to a maximum of 500m horizontally – pilots can be assisted by a single Unmanned Aircraft Observer who must be positioned next to the pilot, and they must maintain VLOS of the drone and its surrounding airspace for the duration of the flight

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<sup>12</sup> Official Record Series 4 – No. 1449





6. Pilots must not fly more than 120m from the closest point on the earth's surface<sup>13</sup>
7. Pilots must not fly within the FRZ of a protected aerodrome without the appropriate permission
8. Pilots must not fly within 50m horizontally of any assemblies of people
9. Pilots must not fly within 50m of any uninvolved person, except that during take-off and landing this distance may be reduced to 30 metres
10. The drone must be equipped with a mechanism that causes it to land in the event of disruption to or a failure of any of its control systems, including the radio link, and the remote pilot must have ensured that this mechanism is in working order before the aircraft commences its flight
11. The Pilot must be reasonably satisfied that any load is properly secured, that the aircraft is in a safe condition for the specific flight, and that the flight can safely be made taking into account the wind and other significant weather conditions
12. The flights must be conducted in accordance with the current Operations Manual of the operator, including a site safety assessment, and records must be maintained of each flight undertaken.
13. Flights at night shall only be conducted in accordance with the approved Operations Manual procedures and additional requirements set out in the Operational Authorisation.<sup>14</sup>
14. The pilot must always carry a copy of ORS4/1449 and a copy of the relevant Operational Authorisation document when flying in the SPECIFIC category.

If any of the above conditions are not met for a drone flight in the SPECIFIC category, it is highly likely that the Operator and/or pilot will be committing one of more offences - UNLESS they are in possession of an Operational Authorisation granted by the CAA which exempts them from complying with any of the above.

**Officers MUST therefore check the specific conditions of the relevant Operational Authorisation and Operations Manual when dealing with someone flying in the SPECIFIC category.**

A Table of Offences is included at ANNEX E which sets out specific offences that may be committed when flying in the SPECIFIC Category.

**NOTE – Some of the above limitations do not apply to Drone flights operating under the Operational Authorisation jointly obtained by UK flying clubs in the SPECIFIC category – see Chapter 5 for further information.**

<sup>13</sup> Unless flying up to 15m above an artificial obstacle taller than 105m at the request of the obstacle's owner, but only within 50m horizontally of the obstacle.

<sup>14</sup> See Annex C - Standard CAA Permission/Operational Authorisation for flying in the SPECIFIC category

## 4. Overview of the OPEN and SPECIFIC Categories

**NOTE – Some of the below requirements do not apply to Drone flights operating under the Operational Authorisation jointly obtained by UK flying clubs in the SPECIFIC category – see Chapter 5 for further information.**

### 4.1 Registration and Pilot Competency

#### Operators

- If a drone weighs 250g or more, or has a camera, the Operator needs to register with the CAA. A unique number called an Operator ID will be issued by the CAA, and this must be displayed on every drone registered to the Operator.
- The only exception is where the drone is a 'toy'<sup>15</sup> regardless of whether it has a camera or not.
- A person must be 18 or over to register as an Operator. If a drone is owned by someone under 18, they must get an adult to register as the Operator on their behalf.

#### Pilots

- If a drone weighs 250g or more, the Pilot must obtain a proof of competency from the CAA, which is a unique number called a FlyerID. Proof of competency (i.e. the FlyerID number) must be carried by the pilot at all times when flying a drone.
- There is no minimum age limit for obtaining a FlyerID, but every person flying a relevant drone must have their own.
- Pilots flying an **A1 Transitional drone (i.e. a legacy drone between 250<500g)** in the A1 subcategory must also possess an A2 Certificate of Competency, and they must carry proof of this competency (as well as their FlyerID number) at all times when flying a drone in the A1 subcategory.
- Pilots flying an **A2 Transitional drone (i.e. a legacy drone between 500g<2kg)** in the A2 subcategory must possess an A2 Certificate of Competency, and they must carry proof of this competency (as well as their FlyerID number) at all times when flying a drone in the A2 subcategory.
- Pilots flying in the SPECIFIC category must also hold a GVC, NQE or equivalent qualification (as defined in their Operational Authorisation), and they must carry proof of this competency at all times when flying in the SPECIFIC category.

<sup>15</sup> 'Toys' are drones which are marketed as being suitable for use by a person under the age of 14. Essentially, if the product is not marked as such within its packaging, it cannot be considered to be a toy.



## 4.2 Flying in Congested Areas

The following drones are allowed to fly within 150m of Residential, Commercial, Industrial or Recreational areas:

- **<250g Legacy drones** - A1 subcategory
- **<250g privately built drones** with a maximum speed of <19m/s - A1 subcategory
- **A1 Transitional drones** (i.e. 250<500g legacy drones) **IF** the pilot holds an A2 Certificate of Competency - A1 subcategory
- **A2 Transitional drones** (i.e. 500g<2kg legacy drones) **IF** the pilot holds an A2 Certificate of Competency - A2 subcategory
- **Drones up to <25kg** flying in the SPECIFIC category, if allowed under an Operational Authorisation

**NOTE:** Drone flights within 150m of Residential, Commercial, Industrial or Recreational areas are not allowed in the A3 subcategory

## 4.3 Flying close to or over Uninvolved Persons or Assemblies

- **No drone flights** are allowed over assemblies of people<sup>16</sup>
- **<250g Legacy drones** (and <250g privately built drones with a maximum speed of <19m/s) can fly over uninvolved persons. No minimum separation distance is given but the laws on endangering persons etc still apply.
- **A1 Transitional drones** (i.e. 250<500g drones where the pilot holds a Certificate of Competency) - pilots must “reasonably expect that no uninvolved persons will be overflown” for the duration of the flight. Where an uninvolved person is unintentionally overflown, pilots must minimise the time during which they are overflown.
- **A2 Transitional drones** (i.e. 500g<2kg drones where the pilot holds a Certificate of Competency) cannot fly within 50m horizontally of uninvolved persons, which would include assemblies of people.
- **<25kg drones flying in the A3 Subcategory** - No specified minimum separation distance from uninvolved persons is given for a drone flying in the A3 subcategory. However pilots must reasonably expect that “no uninvolved person will be endangered” for the duration of the flight, and the laws on endangering persons and property etc still apply
- **<25kg drones flying in the SPECIFIC category** – the CAA Operational Authorisations issued under UKPDRA01 do not allow flights within 50m

<sup>16</sup> Unless this is explicitly allowed by an Operational Authorisation issued by the CAA. Standard Operational Authorisations for the SPECIFIC category based on UKPDRA01 do not allow flying within 50m horizontally of assemblies of people or within 50m of uninvolved persons (reduced to 30m on take-off or landing).



horizontally of assemblies, or within 50m of uninvolved persons (which can be reduced to 30m on take-off or landing)

#### 4.4 Flying close to or over vehicles, vessels, structures, roads, bridges, railway lines, etc

- The law does not specify minimum separation distances that must be maintained from buildings, structures, compounds, bridges, roads, trains, railway lines, vehicles, vessels etc – except that drones must not be flown within 150m horizontally of Residential, Industrial, Commercial or Recreational areas if they are being flown in the OPEN A3 category.
- However, minimum separation distances do apply to uninvolved persons and assemblies in a number of cases, as described above, and these limitations apply equally to persons who are inside buildings, structures, vehicles, vessels etc.
- Therefore the relevant distances that apply to the category and type of drone being flown must be maintained regardless of whether an uninvolved person or assembly is in the open air or inside a building, vehicle, vessel etc
- Further, the laws on endangering persons, property and animals still apply, as does the requirement to discontinue a flight if the operation poses a risk to other aircraft, people, animals, environment or property.

#### 4.5 Insurance Requirements

- Under the Civil Aviation (Insurance) Regulations 2005, insurance which meets the requirements of EC Regulation No. 785/2004 must be in place for every drone flight conducted in the UK, regardless of category - however, this does not apply to “Model Aircraft with a Maximum Take-Off Mass of less than 20kg.”
- The CAA have determined that, for the purposes of this regulation, ‘Model Aircraft’ means “any unmanned aircraft that is used for sport or recreation purposes”.
- **Therefore, flying a drone weighing <20kg for sport or recreational purposes does not require insurance to be in place, but insurance is required for all other drone flights.**
- Most drone flights undertaken by hobbyists and recreational users (including flights by members of a recognised model aircraft club flying under the joint CAA Authorisation) will be conducted for sport and recreational purposes, and therefore insurance will not be required as long as the drone weighs less than 20kg.
- Insurance will be required for any flights which are undertaken for non-sport or non-recreational purposes (e.g. Commercial purposes), or for any flights by an unmanned aircraft weighing 20kg or more.



- It is an offence against Article 4 of the Civil Aviation (Insurance) Regulations 2005 to fly an unmanned aircraft in the UK without insurance where insurance is required.
- Having insurance cover to the standard of EC Regulation No. 785/2004 is also a condition of the 'standard' CAA Operational Authorisation issued under UKPDRA01 (similar to the previous Permission for Commercial Operations) for drone operations in the SPECIFIC category. Therefore, if an operator is flying a drone in the SPECIFIC category without adequate insurance, they will also be committing an offence against Article 265A(3) of the Air Navigation Order 2016.

## 5. Model Aircraft Flying Clubs

When Drone legislation changed across the EU on 31st December 2020, in light of the proven safety record of established model flying clubs and the existing mitigation measures they operate under, it was agreed that flights by model aircraft conducted within the framework of associations such as the BMFA, LMA, SAA and FPV-UK should be subject to more flexible regulation to allow members to continue to operate largely as they had done prior to the changes.

In the UK, these flying associations negotiated an 'Article 16 Authorisation' with the CAA which provides an exemption from certain requirements and limitations for drone operators and pilots who are members of a recognised association when flying under the agreed terms and mitigation measures of the authorisation.

Notably, this includes being able to fly certain types of model aircraft in aerodrome Flight Restriction Zones without further permission, being able to fly above the normal operating height limit of 120m (400ft) in certain circumstances, and being exempt from some pilot registration and competency requirements that apply to the general public.

Before dealing with any matters of concern relating to flights conducted by members of a recognised flying club under the joint Article 16 Authorisation, it is strongly advisable to read the Authorisation granted to these associations by the CAA in full, and familiarise yourself with the detail of the conditions and exemptions it contains.

The full Article 16 Authorisation, with some explanatory guidance, can be found on the relevant flying association websites, e.g.:

- [rcc.bmfa.uk/article-16](http://rcc.bmfa.uk/article-16)
- [www.saaweb.uk/article\\_16\\_authorisation\\_and\\_documents.html](http://www.saaweb.uk/article_16_authorisation_and_documents.html)
- <https://fpvuk.org/caa-article-16-operational-authorisation-uas-7068/>



## Annex A – Explanation of General Offences

### General Offence 1 - Endangering any person, property, other aircraft or animal with a drone

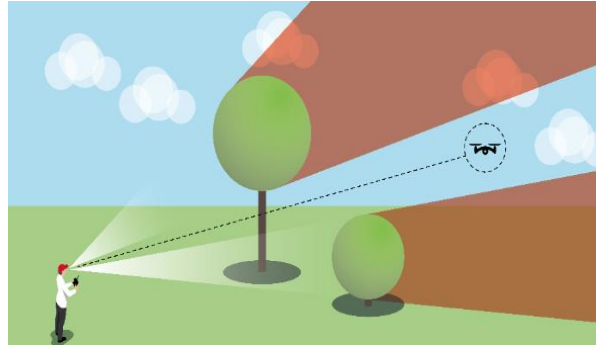
- If a person recklessly or negligently causes or permits an aircraft (including a drone) to endanger any person or property at any time during a flight, they will be committing an offence against Article 241 of the Air Navigation Order 2016. **This offence is 'Triable Either Way'.**
- If a pilot fails to discontinue a drone flight while posing a risk to other aircraft, people, animals, environment or property, they will commit an offence against ANO Article 265B(3).
- If a drone flying in the OPEN category is not kept at a safe distance from people for the entirety of a flight, the Operator commits an offence against ANO Article 265A(2) and the Pilot, if they are not also the Operator, commits an offence against ANO Article 265B(2).
- For Operational Authorisations issued on the basis of UKPDRA01, if a drone flying in the SPECIFIC category is flown within 50m of any uninvolved person (reduced to 30m on take-off or landing), the Operator commits an offence against ANO Article 265A(3) and the Pilot commits an offence against ANO Article 265B(3).

[NOTE - Officers MUST check the specific conditions of the relevant Operational Authorisation and Operations Manual when dealing with someone flying in the SPECIFIC category, as different exemptions can be granted in specific circumstances.]



## General Offence 2 – Flying beyond Visual Line of Sight

- It is an offence to fly a drone without maintaining constant, direct and unaided Visual Line of Sight (VLOS) of the drone and its surrounding airspace.
- Pilots must be able to see the drone at all times during its flight, and must be able to monitor the surrounding airspace, without using binoculars, telephoto lenses or electronic viewing equipment (eg. smart phone, tablet or video goggles). Normal glasses and contact lenses are fine.



- Pilots must not allow the drone to fly behind obstacles which prevents them maintaining direct, unaided Visual Line Of Sight, for instance behind trees, buildings or walls. To do so is an offence.
- Flying the drone too far from the pilot, or flying a drone at night or in low light conditions, will be an offence if the pilot is unable to maintain constant visibility of the drone and the airspace around the drone.
- If a Pilot flying in the OPEN category flies a drone beyond VLOS at any time during the flight (i.e. they lose direct, unaided sight of the drone and its surrounding airspace), the Operator commits an offence against ANO Article 265A(2) for causing or permitting a flight outwith the requirements of Article 4(1), and Annex A to, the Implementing Regulation. The Pilot will also commit an offence against ANO Article 265B(3) for breaching ANO Article 265B(5)(g).
- If a Pilot flying in the SPECIFIC category flies a drone beyond VLOS at any time during the flight (i.e. they lose direct, unaided sight of the drone and its surrounding airspace), the Operator commits an offence against ANO Article 265A(3) for breaching ANO Article 265A(6)(d)(v). The Pilot will also commit an offence against ANO Article 265B(3) for breaching ANO Article 265B(7)(e).

[NOTE - Officers MUST check the specific conditions of the relevant Operational Authorisation and Operations Manual when dealing with someone flying in the SPECIFIC category, as different exemptions can be granted in specific circumstances.]

- There are two exceptions allowing a pilot to fly without maintaining VLOS; using an Unmanned Aircraft Observer to maintain VLOS, and flying in 'Follow-Me' mode. These are explained below.



### **VLOS Exception 1 - Unmanned Aircraft Observer**

- Pilots are allowed to nominate someone to act as an **Unmanned Aircraft Observer** to assist them in maintaining VLOS when they fly. This will be relevant where the Pilot wishes to fly via First Person View (FPV) goggles.
- To use this exemption, the nominated **Unmanned Aircraft Observer** must be positioned alongside the remote pilot and they must maintain unaided visual observation of the unmanned aircraft and the surrounding airspace on behalf of the pilot for the entire duration of the flight. The observer does not need to be registered with the CAA, but they must be briefed by the pilot on what to look out for. The pilot remains responsible for ensuring the safe and lawful conduct of the flight.
- If the Pilot is flying with FPV goggles they must have an Unmanned Aircraft Observer positioned next to them who retains VLOS on their behalf. If they don't have an Unmanned Aircraft Observer positioned next to them, or if the Unmanned Aircraft Observer does not maintain constant VLOS throughout the flight, the Operator will commit an offence against ANO Article 265A(2) for the OPEN category or ANO Article 265A(3) for the SPECIFIC category.
- The Pilot will also commit an offence against ANO Article 265B(3) for the OPEN and SPECIFIC categories for breaching ANO Articles 265B(5)(g) (for OPEN) or 265B(7)(e) (for SPECIFIC).



[NOTE - Officers MUST check the specific conditions of the relevant Operational Authorisation and Operations Manual when dealing with someone flying in the SPECIFIC category, as different exemptions can be granted in specific circumstances.]

### **VLOS Exception 2 – Flying a Drone with ‘Follow-Me’ mode activated**

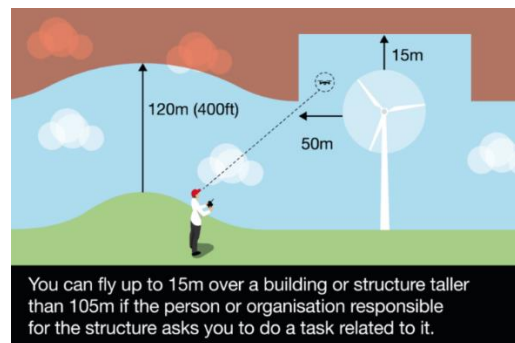
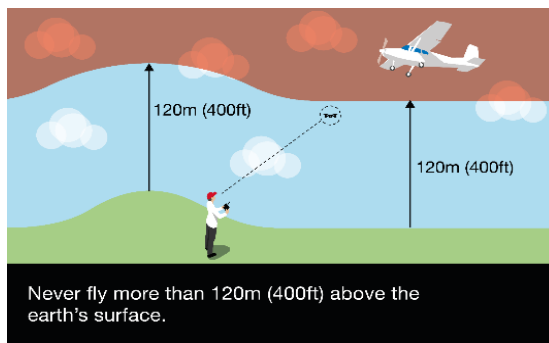
- Some drones have a ‘Follow-Me’ mode that means the aircraft will automatically follow the pilot within a fixed distance without requiring further instruction.
- When ‘Follow-Me’ mode is active, a pilot flying in the OPEN category does not have to keep your drone within direct VLOS. For the OPEN A1 subcategory, the distance between the drone and the pilot must not exceed 50m. No specific maximum distances are defined for the A2 or A3 subcategories.



- The 'Follow-Me' exemption is not available in the SPECIFIC category, unless explicitly allowed under an Operational Authorisation (NOTE – the 'standard' CAA Operational Authorisation based on UKPDRA01 does not allow for the use of the 'Follow-Me' mode).
  - If the drone flying in the A1 subcategory flies at a distance of more than 50m from the pilot when 'Follow-Me' mode is active, and where the pilot does not otherwise maintain VLOS of the drone and its surrounding airspace, the Operator will commit an offence against ANO Article 265A(2) for causing or permitting a flight outwith the requirements of Article 4(1) of, and Annex A to, the Implementing Regulation, and the Pilot will also commit an offence against ANO Article 265B(3) for breaching ANO Article 265B(5)(g).
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## General Offence 3 – Flying a drone more than 120m above the closest point on the earth's surface

- Drones must not be flown more than 120m (400ft) from the closest point of the earth's surface.<sup>17</sup>
- If the ground falls or rises, such as over hills, mountains or cliffs, the flight path should be adjusted to ensure the drone is never more than 120m (400ft) from the closest point of the earth's surface.
- There is an exemption which allows a drone to fly up to 15m above an artificial obstacle taller than 105m, but only at the request of the obstacle's owner and only within 50m horizontally of the obstacle.



- If a drone flies at more than 120m from the closest point on the earth's surface, the Operator commits an offence under ANO Article 265A(2) for causing or permitting a flight outwith the requirements of Article 4(1) of the Implementing Regulation (for the OPEN category) and ANO Article 265A(3) for breaching ANO Article 265A(6)(d)(v) (for the SPECIFIC category).
- The Pilot also commits an offence against ANO Article 265B(3), for breaching ANO Article 265B(5)(a) (OPEN category) or ANO Article 265B(7)(e) (SPECIFIC category).
- For reference, the following are some heights of well-known UK landmarks:

Tower Bridge – 42m  
 Severn Bridge – 47m  
 Nelson's Column – 52m  
 Big Ben – 96m  
 Empress State Building – 117m

Blackpool tower – 158m  
 BT Tower – 190m  
 The Gherkin – 180m  
 Canary Wharf – 235m  
 The Shard – 310m

<sup>17</sup> Note – If the CAA have granted an exemption from the 120m (400ft) height limit this will be clearly stated in the Operational Authorisation, and no offence will be committed. For example, model aircraft flying clubs operating under the joint flying association Article 16 Authorisation granted by the CAA are able to fly above 120m in certain circumstances – See Chapter 5 for further details.



## **General Offence 4 – Carrying anything dangerous on a drone or dropping anything from a drone**

- It is an offence to carry any item on a drone that could be dangerous to people, property or the environment if there was an accident. This includes any poisonous or corrosive items (such as acid or bleach) and any flammable cargo (such as petrol or oil) apart from what is needed by the engine in order to fly.
- It is an offence to drop any item or material from a drone during a flight in the OPEN category.
- In the SPECIFIC category, it is possible for an Operational Authorisation issued to an Operator by the CAA to allow articles or items to be released by a drone during flight. Therefore officers must check the relevant Operational Authorisation in place for that flight to determine whether such activity is allowed.<sup>18</sup>
- If anything dangerous is carried on a drone, or if any item or article is dropped from a drone, the Operator commits an offence against ANO Article 265A(2) for causing or permitting a flight outwith the requirements of Article 4(1) of the Implementing Regulation (for the OPEN category), and ANO Article 265A(3) for breaching ANO Article 265A(6)(d)(v) (for the SPECIFIC category).
- The Pilot will also commit an offence against ANO Article 265B(2) for breaching Article 4(1) of the Implementing Regulation (for the OPEN category, if they are not also the Operator) and ANO Article 265B(3) for breaching ANO Article 265B(7)(e) (for the SPECIFIC category).

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<sup>18</sup> Note there is an exemption in some circumstances for model aircraft flying clubs operating under the joint flying association Article 16 Authorisation granted by the CAA – See Chapter 5 for further details.

## General Offence 5 - Flying a drone without the Operator being registered and without the Operator ID being shown on the drone

- It is an offence to fly a drone if the Operator (i.e. owner) is not registered with the CAA, regardless of which category it is flying in.
- Upon registering, the Operator will be issued with a unique Operator ID from the CAA. It is also an offence for a drone to be flown without the Operator ID being displayed on the drone itself.
- The only exceptions are drones which are classed as 'Toys'<sup>19</sup>, and drones which weigh less than 250g and do not have a camera which is capable of recording. Put another way, if the drone is not a toy and it has a recordable camera or weighs more than 250g, the Operator must be registered and the Operator ID must be displayed on the aircraft.



- If a qualifying drone is flown without the Operator being registered, or without the Operator ID being displayed on the aircraft, the Operator commits an offence against ANO Article 265A(3).

<sup>19</sup> i.e. drones which are marketed as being suitable for use by a person under the age of 14. Essentially, if the product is not marked as such within its packaging, it cannot be considered to be a toy.

## General Offence 6 – Flying a 250g+ drone without the pilot being registered

- Any pilot flying a drone weighing 250g or more must hold proof of pilot competency from the CAA. This involves being tested in the basic elements of drone legislation and the safety framework (i.e. the Drone Code<sup>20</sup>).
- If successful, pilots will be issued with a FlyerID number unique to them. Pilots must carry proof of their competency (e.g. they must be able to provide their FlyerID as a minimum) at all times while operating a drone.
- Additional competency requirements apply to pilots flying drones of a certain weight in the OPEN A1 or A2 subcategories:
  - 250<500g drones flying in A1, the pilot requires a 'Certificate of Competency'
  - 500g<2kg drones flying in A2, the pilot requires a 'Certificate of Competency'
- If a person flies a drone without having the appropriate competency, or without carrying proof of the appropriate competency, the Operator commits an offence against ANO Article 265A(2) (OPEN category) or ANO Article 265A(3) (SPECIFIC category) for causing or permitting a flight without the pilot holding appropriate competency.
- If the Pilot is not also the Operator, they will commit an offence against ANO Article 265B(2) (OPEN category) or ANO Article 265B(3) (SPECIFIC category) for failing to comply with a relevant requirement.



[NOTE - Officers MUST check the specific conditions of the relevant Operational Authorisation and Operations Manual when dealing with someone flying in the SPECIFIC category, as different competency requirements may be required in specific circumstances.]

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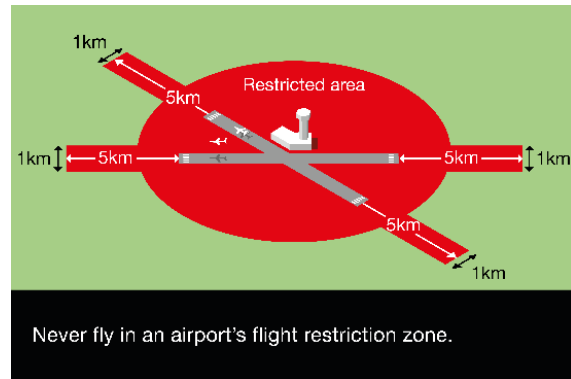
<sup>20</sup> Available from <https://dronesafe.uk/drone-code/>



## General Offence 7 – Flying a drone in an airport Flight Restriction Zone (FRZ), or in any other Restricted Airspace, without permission.

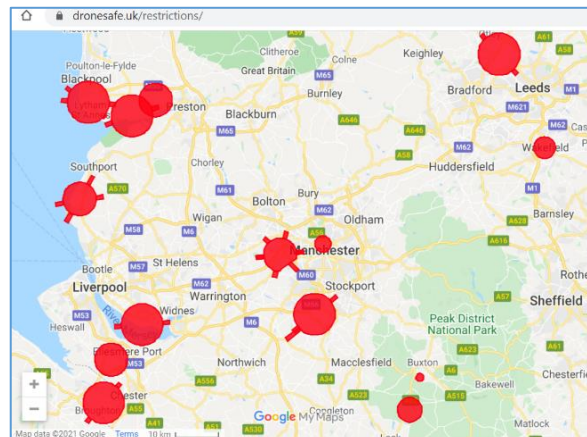
### Protected Aerodrome FRZ's

- Most airports and aerodromes are surrounded by protected airspace called a Flight Restriction Zone (FRZ). The shapes and sizes of FRZs differ for each aerodrome, as defined in ANO Articles 94A and 94B.
- It is an offence to fly a drone within the FRZ of a protected aerodrome without permission from the relevant Air Traffic Control unit, Flight Information Service unit or aerodrome operator.
- If a Pilot flies a drone within the FRZ of a protected aerodrome without permission, they commit an offence against ANO Article 94A(1)(b). If the Operator is a different person, they also commit an offence against ANO Article 94A(1)(a) for causing or permitting the offence.



### Other Airspace Restrictions

- In addition to protected aerodrome FRZ's, some areas of airspace may also be protected by statutory restrictions issued under ANO Article 239. In those cases permission to fly within those areas will be required from the appropriate authority.
- If a pilot flies a drone in contravention of a statutory airspace restriction without permission, they commit an offence against ANO Article 239(4). The Operator (if this is a different person) also commits an offence against ANO Article 239(4) for permitting the contravention.



Details of all Aerodrome FRZ's and other Statutory Airspace Restrictions can be found on the DroneSafe website – [www.Dronesafe.uk/Restrictions](http://www.Dronesafe.uk/Restrictions)





**Other potential offences relating to drone flights at aerodromes include:**

### **Endangering the Safety of an Airfield**

Sec 1(2) Aviation and Maritime Security Act 1990

“It is an offence for any person by means of any device, substance or weapon unlawfully and intentionally —

- (a) to destroy or seriously to damage —
  - (i) property used for the provision of any facilities at an aerodrome serving international civil aviation (including any apparatus or equipment so used), or
  - (ii) any aircraft which is at such an aerodrome but is not in service, or
- (b) to disrupt the services of such an aerodrome,

in such a way as to endanger or be likely to endanger the safe operation of the aerodrome or the safety of persons at the aerodrome.”

### **Endangering an aircraft or any person in an aircraft**

Article 240, Air Navigation Order 2016

“A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.”

NOTE – Article 240 does not apply to ‘Unmanned Aircraft’ being endangered, but it does apply to ‘Unmanned Aircraft’ endangering other ‘Manned’ aircraft.

### **Aggravated Trespass**

Sec 68(1) Criminal Justice and Public Order Act 1994

Flying a drone over land without an invitation with the intention of deterring, obstructing or disrupting lawful activity may, in some circumstances, constitute the offence of Aggravated Trespass:

“A person commits the offence of aggravated trespass if he trespasses on land and, in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does there anything which is intended by him to have the effect-

- (a) of intimidating those persons or any of them so as to deter them or any of them from engaging in that activity,
- (b) of obstructing that activity, or
- (c) of disrupting that activity.”

Further advice may be sought from the NPCC Counter Drones Team or CPS if these additional offences are being considered.



## **General Offence 8 – Flying within or close to an Emergency Response**

- It is an offence for a drone to fly “close to or inside areas” where an emergency response effort is ongoing unless permission has been obtained from the appropriate emergency response services.
- Although the terms “close to or inside areas”, “emergency response effort” and “ongoing” are not further defined, they should be given their everyday meaning.
- A Pilot operating a drone in the OPEN category who flies in contravention of the above will commit an offence against Article 265B(3) of the ANO for breaching Article 265B(5)(j).
- A Pilot operating a drone in the SPECIFIC category who flies in contravention of the above will commit an offence against Article 265B(3) of the ANO for breaching Article 265B(7)(i).



## Annex B – CAA Operational Authorisations

The following is a consolidated version of the 'standard' Operational Authorisation issued by the CAA prior to the changes in legislation at the end of 2020, including amendments introduced to accommodate the new legal framework.

In essence, it replaces the old 'Permission for Commercial Operations' (PfCO) issued by the CAA and serves as the 'general' set of conditions for anyone operating a UAS in the new SPECIFIC category from 31<sup>st</sup> December 2020 onwards. The following presumes that an Operator has applied for an Operational Authorisation based on UK Pre-Defined Risk Assessment 01 (UKPDRA01).

However, as the CAA can to grant bespoke Operational Authorisations where the Operator does not wish to use UKPDRA01, officers will need to check specific Operational Authorisations on a case-by-case basis to determine the limitations that apply in specific cases.

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### **Operational Authorisation for UAS Operations in the SPECIFIC Category**

*(Based on UKPDRA01, as amended by ORS4 1449)*

#### **PERMISSION – Unmanned Aircraft**

1. The Civil Aviation Authority, in exercise of its powers under articles 94(5) and 95(2)(a) of the Air Navigation Order 2016 ('the Order'), as amended, hereby permits **XXXXXXXXXX** (the UAS operator), to operate unmanned aircraft (see Note 1) of the class(es) listed in paragraph 2 below, for the purposes of commercial operations and for operations over or within 150 metres of any congested area.
2. This permission is applicable to the following class(es) of unmanned aircraft with a Maximum Take-Off Mass/flying weight of less than 25kg:
  - (a) Multirotor / Helicopter.
3. This Permission is granted subject to the following conditions, namely, that the unmanned aircraft shall not be flown:
  - (a) Other than by persons employed by or contracted to **(the UAS operator)** whilst being holder(s) of an appropriate recommendation issued by a UK National Qualified Entity for remote pilot competency, or an alternative existing aviation qualification determined to be acceptable to the CAA (CAP722 refers);
  - (b) Unless there is insurance cover for the unmanned aircraft that meets the requirements of EC Regulation No. 785/2004;



- (c) Unless the small unmanned aircraft is maintained within the direct, unaided Visual Line of Sight (VLOS) of the remote pilot, out to a maximum horizontal range of 500 metres unless a lesser control link radio range has been specified by the manufacturer. But remote pilots may be assisted by a single unmanned aircraft observer, who must be positioned alongside the remote pilot. The unmanned aircraft observer must maintain direct unaided visual contact with the unmanned aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions, and advise the remote pilot accordingly;
  - (d) "The unmanned aircraft must be maintained within 120 metres (400ft) from the closest point of the surface of the earth. Obstacles taller than 105m may be overflown by a maximum of 15m provided that:
    - (i) The person in charge of the obstacle has requested this; and,
    - (ii) The unmanned aircraft must not be flown more than 50m horizontally from the obstruction;"
  - (e) Within the flight restriction zone (see Note 2) of a protected aerodrome, unless in receipt of the appropriate permission as required within article 94A of the Order.
  - (f) Within 50 metres horizontally of any assemblies of people (See ORS4 1449 Note 2)
  - (g) Within 50 metres of any uninvolved person, except that during take-off and landing this distance may be reduced to 30 metres;" (see ORS4 1449 Note 3).
  - (h) Unless it is equipped with a mechanism that will cause the unmanned aircraft to land in the event of disruption to or a failure of any of its control systems, including the radio link, and the remote pilot has ensured that such mechanism is in working order before the aircraft commences its flight;
  - (i) Unless the remote pilot is reasonably satisfied that any load carried by the unmanned aircraft is properly secured, that the aircraft is in a safe condition for the specific flight, and that the flight can safely be made taking into account the wind and other significant weather conditions; and
  - (j) Unless the flights are conducted in accordance with the current operations manual of the UAS operator, to include a site safety assessment, as well as records of each flight undertaken. The UAS operator must maintain records of each flight made pursuant to this permission, and must make such records available to the Civil Aviation Authority on request.
4. Flights at night shall only be conducted in accordance with the approved Ops Manual procedures. Prior to flying operations, a daylight reconnaissance and site safety assessment including aircraft flight-paths within the surrounding area, shall be undertaken to identify, address and record any hazards, restrictions and obstacles. The launch site shall be provided with adequate illumination and the aircraft shall be equipped with adequate conspicuity lighting. Flights shall only commence when the weather conditions are suitable for continuous VLOS operations.
5. Any occurrences that take place while operating under this authorisation must be reported in accordance with the requirements set out in CAP 722 (section 2.9).



6. This permission shall have effect from **XX/XX/XXXX until and including XX/XX/XXXX** unless previously varied, suspended or revoked.

#### **ORS4 1449 – points 4 and 5**

- 4) A copy of this authorisation, along with a copy of the relevant operating permission document referred to in paragraph 2, must always be carried by the remote pilot when flying under that permission.
- 5) This authorisation has effect from 31 December 2020 until 31 March 2022, both dates inclusive, unless previously revoked.

#### **Legacy Notes**

**Note 1:** - deleted

**Note 2:** *The “flight restriction zone” of a protected aerodrome can be determined by reference to the table contained within ANO 2016 article 94A, paragraph 7.*

**Note 3:** *UAS operators and remote pilots should be aware that the collection of images of identifiable individuals, even inadvertently, when using surveillance cameras mounted on a unmanned surveillance aircraft, may be subject to the General Data Protection Regulation and the Data Protection Act 2018. Further information about these regulations and the circumstances in which they apply can be obtained from the Information Commissioner’s Office and website: <https://ico.org.uk/for-the-public/drones/>*

**Note 4:** *UAS operators and remote pilots must be aware of their responsibilities regarding operations from private land and any requirements to obtain the appropriate permission before operating from a particular site. In particular, they must ensure that they observe the relevant trespass laws and do not unwittingly commit a trespass whilst conducting a flight.*

#### **ORS4 1449 Notes**

**Note 1.** *This authorisation has been issued as a consequence of the introduction of the new UAS regulations that become applicable within the UK from 31 December 2020. It amends the operating conditions of certain small unmanned aircraft permissions issued under the previous regulations, often referred to as a ‘standard permission’ or ‘PFCO’, so that they align with the conditions of the ‘replacement’ operational authorisation that will be issued from 31 December 2020 onwards. The authorisation ensures that the relevant UAS operators will all hold the same privileges.*



**Note 2.** *“Assemblies of people” means ‘Gatherings where persons are unable to move away due to the density of the people present.’ See the UAS Implementing Regulation or CAP 722D UAS Operations in the UK – Master Glossary and Abbreviations.*

**Note 3.** *Although the minimum separation distances from ‘vehicles, vessels and structures’ have been removed, this does not imply that there are no limits to consider at all. In many cases, vehicles, vessels and structures will still have persons inside them who need to be protected, and the ‘endangerment’ requirements of Air Navigation Order 2016 still apply – refer to CAP 722 section (2.1.3.2) for further guidance.*

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## Annex C – Glossary

- **ANO** - The Air Navigation Order 2016. This is the main legislation which provides the legal framework for aviation matters in the UK, including the operation of Unmanned Aircraft Systems.
- **Assemblies / Assemblies of People** – gatherings where persons would be unable to move away from the path of an out-of-control drone due to the density and proximity of other people present.
- **CAA** – The Civil Aviation Authority. This is the statutory body which oversees and regulates all aspects of civil aviation in the United Kingdom, including Unmanned Aircraft Systems.
- **CAP** – Civil Aviation Publications. These are documents published by the CAA to provide guidance on aviation-related matters in the UK.
- **Certificate of Competency (CofC / A2 CofC)** – a Remote Pilot competency certificate required to allow certain types of drones to be flown in the OPEN A1 and OPEN A2 categories during the transitional period – i.e. until 31<sup>st</sup> Dec 2022.
- **Congested Areas** - areas that are used for Residential, Commercial, Industrial or Recreational purposes (i.e. areas that are densely populated or likely to be occupied by large numbers of persons).
- **Dangerous Goods** - articles or substances which are capable of posing a hazard to health, safety, property or the environment in the case of an incident or accident. Includes: explosives, flammable gases, liquids or solids, and corrosive, toxic, infectious or radioactive substances.
- **DMARES** – the Drone and Model Aircraft Registration and Education Service. A service provided by the CAA where UAS Operators can register to obtain an OperatorID, and where Remote Pilots can prove their basic competency to obtain a FlyerID.
- **EU Implementing Regulations (IR) 2019/947** – an EU Regulation, transposed into UK law, which establishes the rules and procedures for the operation of Unmanned Aircraft Systems in European airspace. This is a core element of the relevant Air Navigation Order Articles governing the use of UAS in the UK.
- **FlyerID** – a unique ID number issued upon successful completion of a test to Remote Pilots by the CAA DMARES service. This acts as proof of basic pilot competency in the safe and lawful flying of drones in the UK. Where a FlyerID is required, pilots must carry proof (i.e. their FlyerID number as a minimum) at all times while flying.
- **‘Follow-Me’ mode** - a mode of operation of a UAS where the unmanned aircraft constantly follows the remote pilot within a predetermined radius.
- **Flight Restriction Zone (FRZ)** - Airspace of defined dimensions around a protected aerodrome consisting of the aerodrome traffic zone, any runway protection zones and any additional boundary zones, within which the permission of the relevant Air Traffic Services unit or aerodrome operator, as appropriate, is required before a UAS flight can take place.



- **General VLOS Certificate (GVC)** - a qualification that allows drone pilots to conduct VLOS operations within the SPECIFIC Category. Where a GVC is required, pilots must carry proof (i.e. their GVC number as a minimum) at all times while flying in the SPECIFIC category.
- **Involved Person** – a person present for the purpose of participating in the UAS operation or who has given explicit consent to the Operator or Remote Pilot to be part of the UAS operation (even indirectly as a spectator or just accepting to be overflown by the UAS). They should be given clear instructions and safety precautions to follow in case the UAS exhibits any unplanned behaviour.
- **Legacy Drone** – a commercially available Unmanned Aircraft placed on the market for sale prior to 1<sup>st</sup> January 2023, which has not been manufactured to 'C' class standards. Legacy Drones can only be flown in some categories, as described elsewhere in this document.
- **Model aircraft club/association** – an organisation legally established in the United Kingdom for the purpose of conducting leisure flights, air displays, sporting activities or competition activities using UAS.
- **Operator / UAS Operator** - a legal or natural person operating or intending to operate one or more UAS. In most cases this will be the person or entity responsible for the ownership and management of a drone and its operation.
- **OperatorID** - a unique ID number issued upon registration to UAS Operators by the CAA DMARES service. Where the Operator is required to be registered, the OperatorID must be clearly displayed on the drone itself.
- **Operational Authorisation** - a document issued by the CAA that authorises the operation of an unmanned aircraft system in the SPECIFIC category, subject to the conditions outlined within the authorisation, having taken into account the operational risks involved. Operators must ensure that all UAS activity complies with the Operational Authorisation at all times.
- **Operations Manual** – a document detailing how a UAS Operator will manage the operation of a UAS in the SPECIFIC category, which must be submitted to the CAA when applying for an Operational Authorisation. Operators must ensure that the Operations Manual is complied with at all times.
- **Payload** – An instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is installed in or attached to the aircraft, and is not used or intended to be used in operating or controlling an aircraft in flight, and is not part of an airframe, engine, or propeller.
- **Pilot / Remote Pilot** - A natural person responsible for safely conducting the flight of an unmanned aircraft by operating its flight controls, either manually or, when the unmanned aircraft flies automatically, by monitoring its course and remaining able to intervene and change the course at any time.



- **Residential, Commercial, Industrial or Recreational areas** - areas that are densely populated or likely to be occupied by large numbers of persons.
- **Restricted Airspace** - Airspace of defined dimensions over the land areas or territorial waters of a State within which the flight of aircraft is restricted in accordance with certain specified conditions.
- **'Toy' Drone** – a drone which complies with the Toys (Safety) Regulations 2011 and the EU Toy Safety Directive 2009/48/EC. In effect, a 'toy' drone is one that is considered to be suitable for use by a person who is under the age of 14 years, and this must be clearly demonstrated on the product packaging.
- **Uninvolved Persons** - persons who are not participating in the UAS operation or who are not aware of the instructions and safety precautions given by the UAS operator.
- **Unmanned Aircraft** – any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board.
- **Unmanned Aircraft System (UAS)** – term given to an unmanned aircraft and the equipment used to control it remotely. In general terms, this is broadly synonymous with the term 'drone' as it relates to unmanned aerial vehicles.
- **Unmanned Aircraft Observer** - a person, positioned alongside the remote pilot, who, by unaided visual observation of the unmanned aircraft, assists the remote pilot in keeping the unmanned aircraft in VLOS and safely conducting the flight;
- **Visual Line Of Sight (VLOS)** - a type of UAS operation in which the remote pilot is able to maintain continuous unaided visual contact with the unmanned aircraft, allowing the remote pilot to control the flight path of the unmanned aircraft in relation to other aircraft, people and obstacles for the purpose of avoiding collisions;
- **Weight / Flying Weight / Take-Off Mass** – the weight of the unmanned aircraft at the point of take-off for that particular flight. Includes the airframe, engine/motors, batteries, fuel and any other payload carried.



## Annex D – Further Advice and Reference Material

- Further advice will be available from your local Counter Drones unit in the first instance, or from the NPCC Counter Drones team via the following:

**General enquiries** - [drones.secretariat@met.police.uk](mailto:drones.secretariat@met.police.uk)

**24/7 Advice and Guidance** - 07391 414700 (Not for public disclosure)

- An NPCC “**UK Drone Legislation - Quick Reference Guide**” has also been produced to accompany this guidance, and is available from local Counter Drone Units, Regional Counter Drone Coordinators or the NPCC Counter Drones Team.
- The NPCC “**Investigating and Responding to Criminal Use of Drones Guidance**” document provides further information on dealing with drone misuse, and is available from local Counter Drone Units, Regional Counter Drone Coordinators or the NPCC Counter Drones Team.
- The relevant legislation underpinning this guidance is the Air Navigation Order 2016 (as amended by The Air Navigation (Amendment) Order 2020), and in particular the following articles:
  - Article 94A – flying in the FRZ of a protected aerodrome
  - Article 239 – flying in prohibited or restricted airspace
  - Article 240 – endangering the safety of an aircraft
  - Article 241 – endangering any person or property with an aircraft
  - Article 265A – Offences by UAS Operators
  - Article 265B – Offences by UAS Pilots
  - Article 265E – Offences relating to tethered small unmanned aircraft
  - Article 265F – Penalties
- The following CAA ‘Civil Aviation Publication (CAP)’ documents can be found on their website, using the following format:

**[www.caa.co.uk/capXXXX](http://www.caa.co.uk/capXXXX)** (where XXXX is the relevant CAP number)

|            |                                                                                                                                                                    |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CAP722 -   | the primary guidance document for the public relating to the operation of Unmanned Aircraft Systems within the UK.                                                 |
| CAP1789A - | consolidated version of the EU Implementing Regulations,                                                                                                           |
| CAP1789B - | consolidated version of the EU Delegated Regulations,                                                                                                              |
| CAP2012 -  | guidance document setting out the requirements for flying in the OPEN category, including Transitional arrangements in effect until 31 <sup>st</sup> December 2022 |
| CAP1974 -  | Enforcement Guidance on the Drone and Model Aircraft Registration and Education System (DMARES)                                                                    |



- The CAA provide advice and guidance for the public on UAS related matters in the following section of their website - [www.caa.co.uk/consumers/unmanned-aircraft-and-drones/](http://www.caa.co.uk/consumers/unmanned-aircraft-and-drones/)
- The DroneSafe website contains links to the Drone Code and DroneAssist app (which provides information on protected aerodrome Flight Restriction Zones and other current Airspace Restrictions), which can be found here: [www.DroneSafe.uk](http://www.DroneSafe.uk)

## Annex E – Table of Offences

NOTE 1 – ANO means the Air Navigation Order 2016, as amended. IR means the EU Implementing Regulation (IR) 2019/947, as amended.

NOTE 2 – When dealing with potential offences in the SPECIFIC category, it is vital to check the limitations and conditions contained in the relevant Operational Authorisation and Operations Manual, as different exemptions may be granted to Operators by the CAA in specific circumstances.

|   | Offence                                                                                                                                                                     | Legislation breached       | Reason                                                                                                                                                                                                                                   |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Endangering any person or property with a Drone                                                                                                                             | ANO Art 241                | "A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property."                                                                                                                            |
| 2 | Failing to discontinue a drone flight while posing a risk to other aircraft, people, animals, environment or property                                                       | Pilot - ANO Art 265B(3)    | Breach of ANO article 265B(5)(h) for OPEN and 265B(7)(f) for SPECIFIC – not discontinuing the flight where risk posed to other aircraft, people, animals, environment or property under IR Article UAS.OPEN.060(2)(b)/UAS.SPEC.060(3)(b) |
| 3 | OPEN - Failing to keep a safe distance from people or flying over assemblies of people.                                                                                     | Operator – ANO Art 265A(2) | Breach of ANO Article 265A(1)(a) – causing or permitting drone flight in breach of IR Article 4(1)(c).                                                                                                                                   |
| 4 | <i>NOTE – additional limitations apply to A1 Transitional Drones flying in the A1 Category, and A2 Transitional Drones flying in the A2 Category – see 38 and 39 below.</i> | Pilot – ANO Art 265B(2)    | Breach of ANO Article 265B(1)(a) – flying a drone in breach of IR Article 4(1)(c).                                                                                                                                                       |

|    |                                                                                                                                                  |                            |                                                                                                                                        |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| 5  | SPECIFIC – flying within 50m of uninvolved persons (30m on take-off or landing)                                                                  | Operator – ANO Art 265A(3) | Breach of ANO Article 265A(6)(d)(v) – causing or permitting flight outside authorised limitations and conditions (UAS.SPEC.050(1)(f)). |
| 6  |                                                                                                                                                  | Pilot – ANO Art 265B(3)    | Breach of ANO Article 265B(7)(e) - flying outside authorised limitations and conditions (UAS.SPEC.060(3)(a)).                          |
| 7  | OPEN - Flying beyond Visual Line of Sight (includes operating outside FPV and ‘follow-me’ exemptions or flying in insufficient light conditions) | Operator – ANO Art 265A(2) | Breach of ANO Article 265A(1)(a) and IR Article 4(1)(d) – causing or permitting flight without maintaining VLOS                        |
| 8  |                                                                                                                                                  | Pilot – ANO Art 265B(2)    | Breach of ANO Article 265B(1)(a) and IR Article 4(1)(d) – flying without maintaining VLOS                                              |
| 9  | SPECIFIC - Flying beyond Visual Line of Sight (includes operating outside FPV exemption or flying in insufficient light conditions)              | Operator – ANO Art 265A(3) | Breach of ANO Article 265A(6)(d)(v) – causing or permitting flight outside authorised limitations and conditions (UAS.SPEC.050(1)(f)). |
| 10 |                                                                                                                                                  | Pilot – ANO Art 265B(3)    | Breach of ANO Article 265B(7)(e) - flying outside authorised limitations and conditions (UAS.SPEC.060(3)(a)).                          |
| 11 | OPEN - Flying more than 120m from closest point on the earth’s surface                                                                           | Operator – ANO Art 265A(2) | Breach of ANO article 265A(1)(a) because breach of IR Article 4(1)(e) – causing or permitting flight above 120m                        |
| 12 |                                                                                                                                                  | Pilot – ANO Art 265B(3)    | Breach of ANO 265B(5)(a) because breach of IR Annex A UAS.OPEN.010(2) – flying above 120m                                              |
| 13 | SPECIFIC – Flying more than 120m from closest point on the earth’s surface (unless authorised under Operational Authorisation)                   | Operator – ANO Art 265A(3) | Breach of ANO Article 265A(6)(d)(v) – causing or permitting flight outside authorised limitations and conditions (UAS.SPEC.050(1)(f)). |
| 14 |                                                                                                                                                  | Pilot – ANO Art 265B(3)    | Breach of ANO Article 265B(7)(e) - flying outside authorised limitations and conditions (UAS.SPEC.060(3)(a)).                          |



|    |                                                                                                                                                                                                               |                                                    |                                                                                                                                                                                                                                           |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15 | OPEN - Carrying anything dangerous on, or dropping anything from, a drone                                                                                                                                     | Operator – ANO 265A(2)                             | Breach of ANO article 265A(1)(a) because breach of IR Article 4(1)(f) – causing or permitting a flight carrying dangerous goods or dropping any material                                                                                  |
| 16 |                                                                                                                                                                                                               | Pilot – ANO Art 265B(2) (if not also the Operator) | Breach of ANO Article 265B(1)(a) because breach of IR Article 4(1)(f) – carrying dangerous goods or dropping any material                                                                                                                 |
| 17 | SPECIFIC - Carrying anything dangerous on, or dropping anything from, a drone                                                                                                                                 | Operator – ANO Art 265A(3)                         | Breach of ANO Article 265A(6)(d)(v) – causing or permitting flight outside authorised limitations and conditions (UAS.SPEC.050(1)(f)).                                                                                                    |
| 18 |                                                                                                                                                                                                               | Pilot – ANO Art 265B(3)                            | Breach of ANO Article 265B(7)(e) - flying outside authorised limitations and conditions (UAS.SPEC.060(3)(a)).                                                                                                                             |
| 19 | Operator not registered where drone weighs 250g or more, or is equipped with a camera                                                                                                                         | Operator – ANO Art 265A(3)                         | Breach of ANO Article 265A(5)(a) for OPEN category or 265A(6)(a) for SPECIFIC category because breach of IR Article 14(5) – Operators must register themselves for relevant UAS operations.                                               |
| 20 | Operator ID not being displayed on the drone                                                                                                                                                                  | Operator – ANO Art 265A(3)                         | Breach of ANO Article 265A(5)(b) for OPEN category or 265A(6)(b) for SPECIFIC category because breach of IR Article 14(8) – Operators shall display their registration number on every unmanned aircraft meeting the relevant conditions. |
| 21 | Flying a drone without the Pilot having appropriate competency for the category of flight.<br><br><i>NOTE – As a minimum, a DMARES FlyerID is required by any pilot flying a drone weighing 250g or more.</i> | Operator - ANO Art 265A(3)                         | Breach of ANO Article 265A(5)(d)(ii) for OPEN or 265A(6)(d)(iii) for SPECIFIC for breach of UAS.OPEN.050(4)(a) and UAS.SPEC.050(1)(d)(i) respectively – Operators shall ensure that pilots have appropriate competency.                   |
| 22 |                                                                                                                                                                                                               | Pilot – ANO Art 265B(3)                            | Breach of ANO Article 265B(5)(b) for OPEN and 265B(7)(b) for SPECIFIC as breach of UAS.OPEN.060(1)(a) and UAS.SPEC.060(1)(b)                                                                                                              |

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|    | <p><i>Flying in the A1 or A2 Transitional subcategories also requires a Certificate of Competence in addition to a DMARES FlyerID.</i></p> <p><i>Flying in the SPECIFIC category requires a minimum as defined in the relevant Operational Authorisation – normally a GVC or equivalent in addition to DMARES registration.</i></p> |                                  | respectively – pilot shall have appropriate competency before starting a UAS operation.                                                                                                                                                                                                                    |
| 23 | <p>Pilot not carrying proof of competency when flying a drone</p> <p><i>NOTE – can be satisfied by providing appropriate reference numbers/ screenshots of competency certificates.</i></p>                                                                                                                                         | Pilot – ANO Art 265B(3)          | Breach of ANO Article 265B(5)(c) for OPEN and 265B(7)(c) for SPECIFIC as breach of UAS.OPEN.060(1)(a) and UAS.SPEC.060(1)(b) respectively – pilot shall carry proof of competency while operating a UAS.                                                                                                   |
| 24 | Flying a drone in the Flight Restriction Zone (FRZ) of a protected aerodrome without relevant permission.                                                                                                                                                                                                                           | Operator – ANO Article 94A(1)(a) | ANO Article 94A(1) - If the permission that is required under paragraph (4) of this article for a flight, or a part of a flight, by an unmanned aircraft has not been obtained - (a) the UAS operator must not cause or permit the unmanned aircraft to be flown on that flight or that part of the flight |
| 25 |                                                                                                                                                                                                                                                                                                                                     | Pilot – ANO Article 94A(1)(b)    | ANO Article 94A(1) - If the permission that is required under paragraph (4) of this article for a flight, or a part of a flight, by an unmanned aircraft has not been obtained - (b) the remote pilot must not fly the unmanned aircraft on that flight or that part of that flight                        |

|    |                                                                                                                                                                                                                                                                     |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 26 | Flying a drone within restricted airspace (i.e. where a statutory prohibition or restriction has been granted under ANO Article 239).                                                                                                                               | Operator – ANO article 239(4)                    | 239(4) It is an offence to contravene, permit the contravention of or fail to comply with any regulations made under this article.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 27 |                                                                                                                                                                                                                                                                     | Pilot – ANO Article 239(4)                       | 239(4) It is an offence to contravene, permit the contravention of or fail to comply with any regulations made under this article.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 28 | Endangering the Safety of an Airfield                                                                                                                                                                                                                               | Sec 1(2) Aviation and Maritime Security Act 1990 | <p>“It is an offence for any person by means of any device, substance or weapon unlawfully and intentionally —</p> <ul style="list-style-type: none"> <li>(a) to destroy or seriously to damage — <ul style="list-style-type: none"> <li>(i) property used for the provision of any facilities at an aerodrome serving international civil aviation (including any apparatus or equipment so used), or</li> <li>(ii) any aircraft which is at such an aerodrome but is not in service, or</li> </ul> </li> <li>(b) to disrupt the services of such an aerodrome,</li> </ul> <p>in such a way as to endanger or be likely to endanger the safe operation of the aerodrome or the safety of persons at the aerodrome.”</p> |
| 29 | <p>Endangering an aircraft or any person in an aircraft</p> <p><i>NOTE – Article 240 does not apply to ‘unmanned aircraft’ being endangered, but it does apply to ‘unmanned aircraft’ endangering a ‘manned’ aircraft or any person in a ‘manned’ aircraft.</i></p> | ANO Article 240                                  | “A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 30 | <p>Trespassing on land with the intention of deterring, disrupting or obstructing lawful activity (Aggravated Trespass).</p> <p><i>NOTE – it is not an offence to fly a drone over someone else's land where no other restrictions apply. However, flying a drone in a manner or at a height which disrupts, deters or obstructs lawful activity taking place there, where that is the intention, could constitute this offence.</i></p> | Sec 68(1) Criminal Justice and Public Order Act 1994 | <p>"A person commits the offence of aggravated trespass if he trespasses on land and, in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does there anything which is intended by him to have the effect-</p> <p>(a) of intimidating those persons or any of them so as to deter them or any of them from engaging in that activity,<br/>(b) of obstructing that activity, OR<br/>(c) of disrupting that activity."</p> |
| 31 | Flying a drone which is not in a condition to safely complete the flight                                                                                                                                                                                                                                                                                                                                                                 | Operator – ANO Article 265A(2) for OPEN              | Breach of ANO Art 265A(1)(a) for OPEN by permitting or causing pilot to breach UAS.OPEN.060(1)(d) – not ensuring drone is in a condition to safely complete the flight.                                                                                                                                                                                                                                                                                                                    |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                          | Operator – ANO Article 265A(3) for SPECIFIC          | Breach of ANO Art 265A(6)(d)(v) for SPECIFIC by causing or permitting flight outside authorised limitations and conditions (UAS.SPEC.050(1)(f)).                                                                                                                                                                                                                                                                                                                                           |
| 32 |                                                                                                                                                                                                                                                                                                                                                                                                                                          | Pilot – ANO Article 265B(2) for OPEN                 | Breach of ANO 265B(1)(a) for OPEN by breaching UAS.OPEN.060(1)(d) – not ensuring drone is in a condition to safely complete the flight                                                                                                                                                                                                                                                                                                                                                     |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                          | Pilot – ANO Article 265B(3) for SPECIFIC             | Breach of ANO 265B(7)(d) by breaching UAS.SPEC.060(2)(c) – not ensuring that the UAS is in a safe condition to complete the intended flight safely                                                                                                                                                                                                                                                                                                                                         |

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| 33 | Flying a drone close to or inside an area where an emergency response is ongoing, without permission from the responsible emergency response services. | Operator – ANO Article 265A(2) for OPEN                                                    | Breach of ANO 265A(1)(a) for OPEN by permitting or causing pilot to breach UAS.OPEN.060(3) – flying close to or inside area where emergency response effort is ongoing, without permission                                                                                                                                               |
| 34 |                                                                                                                                                        | Pilot – ANO Article 265B(3)                                                                | OPEN - Breach of ANO 265B(5)(j) by breaching UAS.OPEN.060(3) - flying close to or inside area where emergency response effort is ongoing, without permission<br><br>SPECIFIC – Breach of ANO 265B(7)(i) for breach of UAS.SPEC.060(3)(e) - flying close to or inside area where emergency response effort is ongoing, without permission |
| 35 | Flying over Assemblies of people – OPEN category                                                                                                       | Operator – ANO Article 265A(2) for OPEN<br><br>Operator – ANO Article 265A(3) for SPECIFIC | Breach of ANO Art 265A(1)(a) for causing or permitting flight outside IR Article 4(1)(c) – drone must not be flown over assemblies of people.<br><br>Breach of ANO Art 265A(6)(d)(v) for SPECIFIC by causing or permitting flight outside authorised limitations and conditions (UAS.SPEC.050(1)(f)).                                    |
| 36 |                                                                                                                                                        | Pilot – ANO Article 265B(2) for OPEN<br><br>Pilot – ANO Article 265B(3) for SPECIFIC       | Breach of ANO Art 265B(1)(a) for flying outside requirements of IR Article 4(1)(c) - drone must not be flown over assemblies of people.<br><br>Breach of ANO Art 265B(7)(e) – flying outside authorised limitations and conditions (UAS.SPEC.050(1)(f)).                                                                                 |

|    |                                                        |                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 37 | Flying whilst unfit through drink/drugs/illness/injury | <p>Pilot – ANO Art 265B(2) for OPEN</p><br><p>Pilot – ANO Art 265B(3) for SPECIFIC</p><br><p>Pilot – Sec 92 Rail and Transport Safety Act 2003 – Flying whilst unfit through drink or drugs</p><br><p>Pilot – Sec 93 Rail and Transport Safety Act 2003 - Flying whilst over prescribed limit</p> | <p>Breach of ANO Article 265B(1)(a) for breaching IR Annex Part A at time of take-off – During the flight, the remote pilot shall not perform duties under the influence of psychoactive substances or alcohol or when it is unfit to perform its tasks due to injury, fatigue, medication, sickness or other causes;</p><br><p>Breach of ANO Article 265B(7)(a) by breaching IR UAS.SPEC.060(1)(a) - The remote pilot shall not perform duties under the influence of psychoactive substances or alcohol or when it is unfit to perform its tasks due to injury, fatigue, medication, sickness or other causes;</p><br><p>Section 92, offence to ‘act as a pilot of an aircraft during flight’ while impaired through drink or drugs.</p><br><p>Section 93(1) A person commits an offence if he performs an aviation function at a time when the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit.</p><br><p>Section 93(2) sets the prescribed limits of alcohol as:</p> <p>(a) in the case of breath, 9 microgrammes of alcohol in 100 millilitres</p> <p>(b) in the case of blood, 20 milligrammes of alcohol in</p> |
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|    |                                                                                                                                                                                                                                                                                                                         |                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|    |                                                                                                                                                                                                                                                                                                                         |                         | <p>100 millilitres, and<br/>(c) in the case of urine, 27 milligrammes of alcohol in 100 millilitres.</p> <p>Section 94(1) states that, for the purposes of Sections 92 and 93, “acting as a pilot of an aircraft during flight” is a relevant Aviation Function.</p> <p><i>NOTE – The CAA position (set out in CAP722) is that the above limits should be applied only to the SPECIFIC category, and that for the OPEN category the limits should be taken to be as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Breath – 35 microgrammes of alcohol in 100 millilitres (22 microgrammes in Scotland)</i></li> <li>• <i>Blood – 80 milligrammes of alcohol in 100 millilitres (50 milligrammes in Scotland), and</i></li> <li>• <i>Urine – 107 milligrammes of alcohol in 100 millilitres (67 milligrammes in Scotland).</i></li> </ul> |
| 38 | <p>Flying an A1 Transitional Drone (i.e. weighing 250-500g) in the OPEN A1 subcategory where the pilot cannot reasonably expect that no uninvolved person will be overflown.</p> <p><i>NOTE – this offence will only be applicable for the Transitional period – i.e. until 31<sup>st</sup> December 2022. From</i></p> | Pilot – ANO Art 265B(3) | <p>Breach of ANO Article 265B(6) Line 1 of Table 1 – not flying an Article 22(a) drone within the relevant requirements of UAS.OPEN.020(1) – must reasonably expect that no uninvolved person will be overflown.</p> <p><i>NOTE – the pilot could also commit an offence against ANO Article 265B(2) if, at the time of take-off, the pilot did not reasonably hold the view that the requirements of UAS.OPEN.020(1) would be met –</i></p>                                                                                                                                                                                                                                                                                                                                                                                                            |



|    |                                                                                                                                                                                                                                                                                                                                                                                   |                                |                                                                                                                                                                                                                                                                                                                                                                  |
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|    | <i>this date, A1 Transitional Drones will only be able to fly in the A3 or SPECIFIC categories.</i>                                                                                                                                                                                                                                                                               |                                | <i>i.e. must reasonably expect that no uninvolved person would be overflowed.</i>                                                                                                                                                                                                                                                                                |
| 39 | Flying an A2 Transitional drone (i.e. weighing between 500g-2kg) in the OPEN A2 subcategory within 50m horizontally of any uninvolved person.<br><br><i>NOTE – this offence will only be applicable for the Transitional period – i.e. until 31<sup>st</sup> December 2022. From this date, A2 Transitional Drones will only be able to fly in the A3 or SPECIFIC categories.</i> | Pilot – ANO Art 265B(3)        | Breach of ANO Article 265B(6) Line 5 of Table 1 – not flying an Article 22(b) drone within the relevant requirements of Article 22(b) – must keep a minimum horizontal distance of 50 meters from people.                                                                                                                                                        |
| 40 | Flying within 150m horizontally of a Residential, Commercial, Industrial or Recreational area in the OPEN A3 subcategory.                                                                                                                                                                                                                                                         | Operator – ANO Article 265A(2) | Breach of ANO Article 265A(1)(a) for causing or permitting a flight outside the requirements of Part A to the Annex to the IR – UAS.OPEN.040(2) – Flights in the A3 subcategory must be conducted at a safe horizontal distance of at least 150 metres from residential, commercial, industrial or recreational areas.                                           |
| 41 |                                                                                                                                                                                                                                                                                                                                                                                   | Pilot – ANO Article 265B(2)    | Breach of ANO Article 265B(1)(a) – at time of take-off, pilot must reasonably hold the view that the flight will meet the requirements of Part A to the Annex to the IR – UAS.OPEN.040(2) – Flights in the A3 subcategory must be conducted at a safe horizontal distance of at least 150 metres from residential, commercial, industrial or recreational areas. |

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| 42 | Flying in the OPEN A3 where the pilot cannot reasonably expect that no uninvolved person will be endangered during the entire time of the flight | Operator – ANO Article 265A(2) | Breach of ANO Article 265A(1)(a) for causing or permitting a flight outside the requirements of Part A to the Annex to the IR – UAS.OPEN.040(1) – flights must be conducted in an area where the remote pilot reasonably expects that no uninvolved person will be endangered within the range where the unmanned aircraft is flown during the entire time of the UAS operation                                           |
| 43 |                                                                                                                                                  | Pilot – ANO Article 265B(2)    | Breach of ANO Article 265B(1)(a) – at time of take-off, pilot must reasonably hold the view that the flight will meet the requirements of Part A to the Annex to the IR – UAS.OPEN.040(1) – flights must be conducted in an area where the remote pilot reasonably expects that no uninvolved person will be endangered within the range where the unmanned aircraft is flown during the entire time of the UAS operation |
| 44 | Pilot not carrying the relevant Operational Authorisation (or extant CAA Permission with ORS4/1449) while flying in the SPECIFIC category        | Operator – ANO Art 265A(3)     | Breach of ANO Art 265A(6)(d)(v) for causing or permitting flight outside authorised limitations and conditions.                                                                                                                                                                                                                                                                                                           |
| 45 |                                                                                                                                                  | Pilot – ANO Art 265B(3)        | Breach of ANO Art 265B(7)(e) – failing to comply with authorised limitations and conditions.                                                                                                                                                                                                                                                                                                                              |
| 46 | Flying in the SPECIFIC category without having Insurance which meets the requirements of EC Regulation No. 785/2004.                             | Operator – ANO Art 265A(3)     | Breach of ANO Art 265A(6)(d)(v) for causing or permitting flight outside authorised limitations and conditions.                                                                                                                                                                                                                                                                                                           |
| 47 |                                                                                                                                                  | Pilot – ANO Art 265B(3)        | Breach of ANO Art 265B(7)(e) – failing to comply with authorised limitations and conditions.                                                                                                                                                                                                                                                                                                                              |

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|    | <i>NOTE – if flying for non-sporting or non-recreational purposes, or flying a 20kg+ drone for any purpose, without relevant insurance being in place, this offence will also apply.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                     |                                                                                                                                                                                                                                               |
| 48 | Operating a 20kg+ drone for any purpose, or operating any drone other than for sport or recreational purposes, without having Insurance which meets the requirements of EC Regulation No. 785/2004.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Operator - Regulation 4 Civil Aviation (Insurance) Regulations 2005 | Regulation 4(1) – “An air carrier or aircraft operator shall be guilty of an offence if he fails to comply with any requirement imposed on him by paragraphs 1 and 2 of Article 4 of the Insurance Regulation” (i.e. Regulation EC 785/2004). |
| 49 | <p><b><u>SPECIFIC Category</u></b><br/>For ease of reference, if an Operator causes or permits a flight, or a pilot conducts a flight, in the SPECIFIC category which is not in compliance with the conditions and limitations contained in the relevant Operational Authorisation granted to the Operator by the CAA, the Operator is likely to commit an offence against ANO Article 265A(2) and/or 265A(3), and the pilot is likely to commit an offence against ANO Article 265B(3).</p> <p>Identifying which offence is most relevant will depend on which condition or limitation has been breached, and readers should refer to ANO Article 265A(6)(Operator) and ANO Article 265B(7)(Pilot), as well as the EU Implementing Regulation (IR) 2019/947 (as amended), for direction. It will also be essential to check the conditions and limitations contained in the relevant Operational Authorisation.</p> <p>Further advice is available from local Counter Drone units in the first instance, or from the NPCC Counter Drones Team.</p> |                                                                     |                                                                                                                                                                                                                                               |