

Government Notice No. 139 of 2016

THE CIVIL AVIATION ACT

Regulations made by the Minister under section 11 of the Civil Aviation Act

1. These regulations may be cited as the Civil Aviation (Amendment) Regulations 2016.

2. In these regulations –

“principal regulations” means the Civil Aviation Regulations 2007.

3. Regulation 2 of the principal regulations is amended by inserting, in the appropriate alphabetical order, the following new definitions –

“remotely piloted aircraft” means a remotely piloted aerial vehicle without persons on board;

“remotely piloted surveillance aircraft” means a remotely piloted aircraft which is equipped to undertake any form of surveillance or data acquisition;

4. Regulation 91 of the principal regulations is revoked and replaced by the following regulation –

91. Remotely piloted aircraft

(1) No person shall cause or permit any article or animal, whether or not that article or animal is attached to a parachute, to be dropped from a remotely piloted aircraft.

(2) No person in charge of a remotely piloted aircraft shall fly the aircraft unless he is reasonably satisfied that the flight may safely be made.

(3) A person in charge of a remotely piloted aircraft shall, for the purpose of avoiding collisions, maintain direct and unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures.

(4) No person in charge of a remotely piloted aircraft shall fly the aircraft –

- (a) in Class A airspace, Class C airspace, Class D airspace or Class E airspace without the permission of the Authority;
- (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit at that aerodrome unless permission of the air traffic control unit is obtained; or
- (c) at a height of more than 400 feet above the surface unless it is flying in airspace specified in subparagraph (a) or (b) and in accordance with the requirements for that airspace.

(5) Where a person intends to fly a remotely piloted aircraft –

- (a) in an airspace referred to in paragraph (4)(a), he shall make an application seeking the permission of the Authority in such manner as the Authority may determine;
- (b) in a zone and during the time referred to in paragraph (4)(b), he shall make an application to the air traffic control unit in such manner as the air traffic control unit may determine.

(6) (a) Where the applicant meets the conditions set out in the civil airworthiness requirements specified in regulation 135 for flying a remotely piloted aircraft in the airspace referred to in paragraph (5)(a), the Authority shall, on payment of the appropriate fee specified in the Sixteenth Schedule, grant permission to the applicant.

(b) Where the air traffic control unit considers that the applicant may fly a remotely piloted aircraft in a zone and during the time referred to in paragraph (5)(b) without threat to flight safety, the air traffic control unit shall, on payment of the appropriate fee specified in the Sixteenth Schedule, grant permission to the applicant.

5. The principal regulations are amended by inserting, after regulation 91, the following new regulations –

91A. Remotely piloted surveillance aircraft

(1) No person in charge of a remotely piloted surveillance aircraft shall, except with the permission of the Authority, fly the aircraft –

- (a) over a congested area or within 150 metres of that area;
- (b) over an organised open-air assembly of more than 500 persons or within 150 metres of that assembly;
- (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
- (d) subject to paragraphs (2) and (3), within 50 metres of any person.

(2) Subject to paragraph (3), no remotely piloted surveillance aircraft shall be flown within 30 metres of a person during take-off or landing.

(3) Paragraphs (1)(d) and (2) shall not apply to a person in charge of a remotely piloted surveillance aircraft or a person under the control of the person in charge of the aircraft.

(4) Nothing in this regulation shall be construed as a derogation to the Data Protection Act.

(5) This regulation shall be in addition to, and not in derogation from, regulation 91.

(6) Where a person intends to fly a remotely piloted surveillance aircraft in an area referred to in paragraph (1), he shall make an application seeking the permission of the Authority in such manner as the Authority may determine.

(7) Where the applicant meets the conditions set out in the civil airworthiness requirements specified in regulation 135 for flying a remotely piloted surveillance aircraft in the area referred to in paragraph (1), the Authority shall, on payment of the appropriate fee specified in the Sixteenth Schedule, grant permission to the applicant.

91B. Remotely piloted aircraft or remotely piloted surveillance aircraft used for aerial work

(1) No person in charge of a remotely piloted aircraft or a remotely piloted surveillance aircraft shall use the aircraft for the purpose of aerial work except in accordance with a permission granted by the Authority.

(2) Where a person intends to use a remotely piloted aircraft or remotely piloted surveillance aircraft for the purpose

of aerial work, he shall make an application seeking the permission of the Authority in such manner as the Authority may determine.

(3) Where the applicant meets the conditions set out in the civil airworthiness requirements specified in regulation 135 for using a remotely piloted aircraft or remotely piloted surveillance aircraft for the purpose of aerial work, the Authority shall, on payment of the appropriate fee specified in the Sixteenth Schedule, grant permission to the applicant.

91C. Remotely piloted aircraft or remotely piloted surveillance aircraft used for leisure or recreational purposes

(1) Regulations 91 and 91A shall not apply to a remotely piloted aircraft or a remotely piloted surveillance aircraft weighing not more than 7 kilogrammes, which is flown strictly for leisure or recreational purposes, provided that the aircraft is not flown –

- (a) in Class A airspace, Class C airspace, Class D airspace or Class E airspace without the permission of the Authority;
- (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit at that aerodrome unless permission of the air traffic control unit is obtained;
- (c) at a height exceeding 400 feet above the surface unless it is flying in airspace specified in subparagraph (a) or (b) and in accordance with the requirements for that airspace;
- (d) over the property of any person unless the permission of that person has been obtained;

- (e) over any area to which the public has access; or
- (f) at night.

(2) No person shall fly, for leisure or recreational purposes, a remotely piloted aircraft or a remotely piloted surveillance aircraft which weighs more than 7 kilogrammes but less than 20 kilogrammes without its fuel, but including any article or equipment installed in or attached to the aircraft at the commencement of its flight.

(3) Where a person intends to fly, for leisure or recreational purposes, a remotely piloted aircraft or a remotely piloted surveillance aircraft in an airspace specified in paragraph 1(a) or in a zone and at a time specified in paragraph 1(b), he shall make an application seeking the permission of the Authority in such manner as the Authority may determine.

(4) Where the applicant meets the conditions set out in the civil airworthiness requirements specified in regulation 135 for flying a remotely piloted aircraft or a remotely piloted surveillance aircraft weighing not more than 7 kilogrammes for leisure or recreational purposes, the Authority shall, on payment of the appropriate fee specified in the Sixteenth Schedule, grant permission to the applicant.

6. The Sixteenth Schedule to the principal regulations is amended –
- (a) in the heading, by inserting, after the figure “90”, the words “, 91, 91A, 91B, 91C”;
 - (b) by inserting, after item 35, the following new items and their corresponding entries –

35A.	Permission under regulation 91	1,000 per permission
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35B.	Permission under regulation 91A	1,000 per permission
35C.	Permission under regulation 91B	10,000 for 3 years 10,000 for renewals for successive periods of 3 years
35D.	Permission under regulation 91C	1,000 per permission

7. These regulations shall come into operation on 1 July 2016.

Made by the Minister on 21 June 2016.
