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NOTICE TO OPERATORS OF REMOTELY PILOTED AIRCRAFT

SUBJECT:

Introduction of new Regulations, and the use of Remotely Piloted Aircraft (RPA) in Mauritius airspace

Number: 01/2016

Number of pages: 2

Issue date: 27 July 2016

Effective date: 27 July 2016

Applicability

All operators of RPA within the Republic of Mauritius airspace, Air Traffic Service providers, AOC holders and General Aviation Pilots, operating within Mauritius airspace.

Introduction

Small unmanned aircraft are now widely available for commercial and recreational use. More commonly these are known as **drones**, they can cause injury or damage if they are not used responsibly and therefore are subject to safety rules, which are underpinned by Mauritius law.

Regulatory framework

Anyone using a small drone needs to be aware of the regulations contained in the Civil Aviation regulations amendment Regulations 2016 specifically:

Regulation-70	Endangeringsafetyofanypersonorproperty
Regulation-91	Remotely piloted aircraft
Regulation-91A	A Remotely piloted surveillance aircraft
Regulation-91B	Remotely piloted aircraft or remotely piloted surveillance aircraft used for aerial work
Regulation-91C	Remotely piloted aircraft or remotely piloted surveillance aircraft used for leisure or recreational purposes

These rules have been established to provide a safe environment in which small drones can be flown without coming into conflict with manned aircraft and without risk to other people or properties.

Drones operations is categories as follows:

1. Leisure/recreational
2. Commercial activity

There are specific additional steps that must be taken if a drone is being flown for 'aerial work'.

You must be in possession of a Permission issued by the DCA before you conduct any aerial work with your drone.

Commercial operation of drones

Anyone who wants to fly a drone for commercial work (generally referred to as aerial work) needs a Permission from the DCA. You will need to be at least 18 years of age.

To get this Permission, you will need to:

- demonstrate a sufficient understanding of aviation theory (airmanship, airspace, aviation law and good flying practice)
- pass a practical flight assessment (flight test)
- develop basic procedures for conducting the type of flights you want to do and set these out in an Operations Manual. An operations manual template is available on the DCA website

There are a number of recognised assessment organisations in Reunion, Africa and Europe that can help you meet these requirements. The assessment centre will generally help you develop an operations manual and will offer advice on completing any additional paperwork.

Once you meet the requirements you can make an application to operate an RPA using the 'DCA RPA Application form'.

A Permission for Aerial Work (PFAW) is valid for up to 36 months and is subject to a renewal.

You should apply to renew your PFAW at least 30 days before the Permission period is due to expire.

If you want to start using a different weight class of drone that is not approved by your PFAW, you will need to contact the DCA immediately and not wait until the PFAW expires.

The PFAW allows flights within Mauritius subject to the conditions and limitations specified. However, the greater the amount of 'freedom of operation' that you require (in terms of locations, procedures and the duration of the permission), then the greater the amount of information you need to provide us (in terms of demonstrating that you can operate safely).

The price for a Permission depends on the proposed operation of the aircraft.

How much does it cost:

A current charge is Rs 10,000 but there is no limit on a maximum number of drones.

The renewal cost is the same for 3 years.

If you want to use a small unmanned aircraft or drone outside of the operating limits set out in the Air Navigation Order then you will need Permission from the DCA, even if your activity is non-commercial. This could include flying a device over a congested area, or within 50m of a building.

Applications for this type of Permission are considered on a case by case basis.

Insurance

An adequate level of insurance will need to be obtained by an operator before a Permission is granted.

Applicants should discuss these requirements directly with insurance providers, to ensure that adequate third party liability is provided to cover the intended scope of your operation.

The assessment process

The DCA does not organise or run assessment courses but will approve commercial organisations (Qualified Entities or QEs) to do this.

QE organisations will:

- Run full or restricted modular courses
- Make a recommendation to the DCA about the pilot's competence
- This recommendation provides the basis for the DCA granting a PFAW.

Most QEs provide the full course and this is suitable for those with no previous aviation training or qualifications.

A typical QE full-course involves:

- pre-entry/online study
- 1-3 days of classroom lessons and exercises
- a written theory test
- a flight assessment

After successfully completing the theory element, the pilot will:

- develop their own operations manual
- practice aircraft operation/flying skills for the practical flight assessment.

Flight assessments

These are completed at your own pace and:

- usually arranged separately but may be available on the last day of the course
- have no structured syllabus or sequence of numbered exercises

Concessions

Concessions against the theory part of the course are possible if you have:

- flying experience (including model aircraft)
- a licence or certificate that allows you to fly in un-segregated airspace (PPL, glider rating)

Pilot Training organisations (QEs) recognised by DCA

- 3iC Ltd
- Aerial Motion Pictures Ltd
- ATEC-3D
- Cambridge UAV
- CEFAS
- Cyberhawk
- Drone Pilot Academy
- EuroUSC
- Heliguy
- Hexcam
- NATS RPAS
- Resource Group
- RTPRheinmetall - RUSTA
- Sky-Futures
- The Great Circle
- Transparent Marine & Electrical trading as Commercial Drone Training
- UAV Air
- UAV8 Ltd

There are many training institution offering drone pilot training in, South Africa, France etc which can be used to obtain a pilot certification acceptable to the DCA. Please confirm before you organise such a course that the training institution will be recognised by the DCA.

How to renew your permission

Most Permissions for Aerial Work (PFAW) are granted for 36 months and then need to be renewed by the holder. If the PFAW is not renewed it becomes invalid and the holder must not undertake commercial work with a drone until the Permission is renewed.

We recommend that you apply to renew your application at least 30 days before it is due to expire, but not more than 90 days before the expiry date.

How to apply

You will need to:

- complete form DCA PRA Application FORM , ticking the Renewal box and send to DCA
- resubmit your operations manual, highlighting any changes and also provide proof of applicable insurance requirements
- provide logbook evidence of at least 2 hours total RPA/RPAS flight time in the last 3 months preceding your application

Changes and variations to your PFAW

If you need to inform us of any changes or variations to your Permission for Aerial Work, such as using a different class of drone or type of activity, please:

- complete DCA form, ticking the Variation box and send to the Department of Civil Aviation.

You can do this at any time and should not wait until your PFAW is due to expire. You should not undertake any activity unless it is explicitly approved by the terms of your PFAW.

Ensuring that you stay within the law

A PFAW only authorises the commercial use of a drone from a safety perspective. Operators are still subject to rules and regulations imposed by other bodies and organisations. Before beginning a job in a particular location a PFAW holder should always check with all relevant bodies to establish what, if any, restrictions apply. Operators should also be sure they understand the rules around trespass and nuisance

Some help on defining 'person(s) under the control of the drone operator'

Due to the large number of possible circumstances, the DCA can only give general guidelines, however a person or people under the control of the drone operator can generally be defined as:

- Anyone solely present for the purpose of participating in the drone flight operation.
- Anyone under the control of the event or site manager who can reasonably be expected to follow directions and safety precautions to avoid unplanned interactions with the drone. Such people could include building-site or other industrial workers, film and TV production staff and any other pre-briefed, nominated individuals with an essential task to perform in relation to the event.

Spectators or other people gathered for sports or other mass public events that have not been specifically established for the purpose of the drone operation are generally not regarded as being 'under the control of the drone operator'.

In principle, someone who is under the control of the drone operator at a mass public event must be able to:

- decide to participate or not to participate;
- broadly understand the risks involved;
- have reasonable safeguards established for them by the site manager and drone operator;
- not be restricted from taking part in the event or activity if they decide not to participate with the drone operation.

For example: if filming at a large music festival it would not be sufficient for the audience to be informed of a drone filming via a public address system, or in advance by e-mail or text. Those communication channels would not satisfy the points above.

Permission will be granted for drone flights at public events by special arrangement. These permissions will be extremely limited and usually involve a segregated take-off site with the drone operating only vertically within strict lateral limits. There is no allowance for direct over-flight of persons.

NOTE WITHOUT SPECIAL PERMISSION YOU WILL NOT BE AUTHORISED TO OPERATE YOUR RPA WITHIN CONTROLLED AIRSPACE.

Making of Films, commercials, documentaries

Prior to using your RPA for the above purposes you need to have the appropriate authorisation from the Mauritius Film Development Corporation. Details are available on their website: <http://www.mauritiusfilm.mu/English/Rules-Regulations-Policies/Pages/default.aspx>

Obtaining approval from the Information & Communication Technologies Authority (ICTA)

You must obtain the appropriate approval from the ICTA to operate your wireless RPA. Contact details are available on their website: <https://www.icta.mu/radiocommunication/radioview.htm>

Drone operators from overseas willing to carry out work in Mauritius

The DCA will on occasion be able to grant a temporary permission for aerial work to a commercial drone operator. This will depend on the evidence of 'pilot competency' that the applicant is able to provide and the location(s) where the filming is to take place. Each application is considered on its own merits.

Applications should be made on the standard DCA RPA Application form and information should also be supplied about the scope of the operation and where and when it will take place.

In the majority of cases, only the 'standard' DCA permission is granted and this favours aircraft weighing no more than 7kg (15 lbs).

Any aircraft weighing more than 20kg (44 lbs) are subject to a more involved process and are more difficult to approve.

All applications should be made as far in advance as possible.

Reporting safety concerns

Anyone using a drone has to follow some basic safety rules to ensure that members of the public are protected.

Drone operators must also respect the privacy of people on the ground.

The Civil Aviation Regulations defines a congested area as being 'any area of a city, town or settlement which is substantially used for residential, industrial, commercial or recreational purposes'.

Permission must be obtained from the DCA to land or operate within a congested area.

Permissions granted may be valid for one flight or for a period of up to 12 months. The date of expiry will clearly be stated on the 'Permission'.

In order to ensure that sufficient safety measures have been put in place, we will need you to demonstrate that they have taken the necessary steps to ensure their drone will not endanger people, property or aircraft. This may be as simple as preparing a **safety case or a safety risk assessment** for a one-off flight.

An individual or organisation that would like to conduct regular flights with their drone, however, will need to submit an operating manual to the DCA for a permanent approval. This will allow greater freedom to operate continuously without the need to seek ad hoc approvals.

This type of Permission could be of use to:

- emergency services,
- a local authority or organisation that would like to use a drone to carry out maintenance inspections of its property.

As with a Permission to carry out Aerial Work, the DCA will need to be assured of the competence of the person who will be flying the device. The 'pilot' therefore will probably need to undergo an assessment process with one of the recognised qualified Entities.

Authority:

This safety directive is issued by the Director of Civil Aviation under the provisions of Article 135 of CAR, and supersedes previous instruction. CAR and AOCRs will be amended in due course if required. If further clarification is required, please contact the DCA.

Captain Stuart Fox.

for Director of Civil Aviation

