
STATUTORY INSTRUMENTS

2016 No. 765

The Air Navigation Order 2016

PART 10

Prohibited behaviour, directives, rules, powers and penalties

CHAPTER 4

Powers and penalties

[^{F1}Offences: Contravention of Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft – UAS operator

265A.—(1) A UAS operator must not cause or permit an unmanned aircraft other than a tethered small unmanned aircraft to be flown unless—

- (a) the requirements in Article 4(1) of, and Part A of the Annex to, the Unmanned Aircraft Implementing Regulation are met for that flight (an ‘open’ category flight);
- (b) at the time of the flight, one of the following is valid for the flight (a ‘specific’ category flight)—
 - (i) an operational authorisation issued to the UAS operator under Article 12 of the Unmanned Aircraft Implementing Regulation;
 - (ii) a LUC with appropriate privileges granted to the UAS operator in accordance with point UAS.LUC.060 of the Annex to that Regulation;
 - (iii) an authorisation issued in accordance with Article 16 of that Regulation; or
- (c) the UAS and the UAS operator have been certified as required by Article 6(1) or (2) of the Unmanned Aircraft Implementing Regulation (a ‘certified’ category flight).

(2) A UAS operator who contravenes paragraph (1) is guilty of an offence.

(3) A UAS operator who contravenes a relevant requirement imposed in the Unmanned Aircraft Implementing Regulation is guilty of an offence.

(4) For the purposes of paragraphs (1)(a) and (3), a requirement in any provision of the Unmanned Aircraft Implementing Regulation is to be read together with any other provision of that Regulation that contains any exception, derogation or qualification relating to that requirement.

(5) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph (1)(a) is a requirement in any of the following provisions of the Unmanned Aircraft Implementing Regulation—

- (a) Article 14(5) (registration);
- (b) Article 14(8) (display of registration number);
- (c) Article 19(2) (reporting of safety occurrences);
- (d) in Part A of the Annex—
 - (i) point UAS.OPEN.050(3) (designation of remote pilot);

- (ii) point UAS.OPEN.050(4)(a) (competency of remote pilot);
- (iii) point UAS.OPEN.050(5) (geo-awareness updates).

(6) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph (1)(b)(i) is a requirement in any of the following provisions of the Unmanned Aircraft Implementing Regulation—

- (a) Article 14(5) (registration);
- (b) Article 14(8) (display of registration number);
- (c) Article 19(2) (reporting of safety occurrences);
- (d) in Part B of the Annex—
 - (i) point UAS.SPEC.050(1)(a) (operational procedures and limitations);
 - (ii) point UAS.SPEC.050(1)(b) (designation of remote pilot or allocation of responsibilities for autonomous operations);
 - (iii) point UAS.SPEC.050(1)(d)(i) (competency of remote pilot);
 - (iv) point UAS.SPEC.050(1)(d)(v) (operations manual);
 - (v) point UAS.SPEC.050(1)(f) (authorised limitations and conditions);
 - (vi) point UAS.SPEC.050(1)(g) (record-keeping);
 - (vii) point UAS.SPEC.090 (access to records);
 - (viii) point UAS.SPEC.100 (use of certified equipment).

(7) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph (1)(b)(ii) is a requirement in any of the following provisions of the Unmanned Aircraft Implementing Regulation—

- (a) Article 14(5) (registration);
- (b) Article 14(8) (display of registration number);
- (c) Article 19(2) (reporting of safety occurrences);
- (d) in Part B of the Annex—
 - (i) point UAS.SPEC.050(1)(a) (operational procedures and limitations);
 - (ii) point UAS.SPEC.050(1)(b) (designation of remote pilot or allocation of responsibilities for autonomous operations);
 - (iii) point UAS.SPEC.050(1)(d)(i) (competency of remote pilot);
 - (iv) point UAS.SPEC.050(1)(d)(v) (operations manual);
 - (v) point UAS.SPEC.050(1)(f) (authorised limitations and conditions);
 - (vi) point UAS.SPEC.050(1)(g) (record-keeping);
 - (vii) point UAS.SPEC.100 (use of certified equipment).
- (e) in Part C of the Annex—
 - (i) point UAS.LUC.020(2) (scope and privileges of the LUC);
 - (ii) point UAS.LUC.020(3) (operational control system);
 - (iii) point UAS.LUC.020(4) (operational risk assessment);
 - (iv) point UAS.LUC.020(5) (LUC record-keeping);
 - (v) point UAS.LUC.090 (access to records).

(8) For the purposes of paragraph (7), the holder of a LUC who, in accordance with a privilege granted under point UAS.LUC.060(2) of Part C of the Annex to the Unmanned Aircraft

Implementing Regulation, authorises a flight without applying for an operational authorisation is to be taken as having complied with any requirement in a provision referred to in paragraph (7)(d) relating to an operational authorisation.

(9) For the purposes of paragraph (3), a “relevant requirement” in relation to a flight conducted in the circumstances referred to in paragraph 1(b)(iii) is a requirement of any of the following provisions of the Unmanned Aircraft Implementing Regulation—

- (a) Article 14(5) (registration), subject to Article 16(4);
- (b) Article 14(8) (display of registration number);
- (c) Article 19(2) (reporting of safety occurrences),

and any condition of a kind referred to in Article 16(3) of the Unmanned Aircraft Implementing Regulation that is imposed on the UAS operator in the authorisation.]

Textual Amendments

F1 Arts. 265A-265F inserted (31.12.2020) by The Air Navigation (Amendment) Order 2020 (S.I. 2020/1555), arts. 1(2), 9 (with art. 13)

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation Order 2016, Section 265A.