

**2020 No. 1555**

**CIVIL AVIATION**

**The Air Navigation (Amendment) Order 2020**

*Made* - - - - *16th December 2020*

*Laid before Parliament* *17th December 2020*

*Coming into force* - - *31st December 2020*

At the Court at Windsor Castle, the 16th day of December 2020

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60(1), (2)(b), (3)(d), (e), (h), (n) and (q) and (4), 61(1)(a) and 101(1)(a) of, and Schedule 13 to, the Civil Aviation Act 1982(a), and section 2(2) of the European Communities Act 1972(b).

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

**Citation and commencement**

- 1.—(1) This Order may be cited as the Air Navigation (Amendment) Order 2020.
- (2) This Order comes into force on 31st December 2020.

**Amendment of the Air Navigation Order 2016**

2. The Air Navigation Order 2016(c) is amended in accordance with articles 3 to 12.

**Amendment of article 7**

- 3.—(1) In article 7 (meaning of “commercial operation”)—
  - (a) in the words before paragraph (a), for “flight by a small unmanned aircraft except a flight for public transport, or any operation of any other aircraft except an operation” substitute “operation of an aircraft other than”;
  - (b) for paragraph (b) substitute—

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

(b) 1972 c. 68. The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1)). Section 2(2) of the 1972 Act was amended by section 27(1) of the Legislation and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(c) S.I. 2016/765, amended by S.I. 2017/112, S.I. 2018/623, S.I. 2018/1160, S.I. 2019/261 and prospectively by S.I. 2019/645.

“(b) which, when not made available to the public, is performed under a contract between an operator and a customer, where the latter has no control over the operator,”.

#### **Amendment of article 20**

4. In article 20(2) (application of the Order to the Crown)—
- (a) for “a small unmanned aircraft” substitute “an unmanned aircraft”;
  - (b) for “SUA operator” substitute “UAS operator”.

#### **Amendment of article 23**

5.—(1) Article 23 (exceptions from application of provisions of the Order for certain classes of aircraft) is amended as follows.

- (2) In paragraph (1), for sub-paragraph (c) substitute—

“(c) any unmanned aircraft other than an unmanned aircraft subject to certification”.
- (3) In paragraph (2), for “Subject to paragraph (3)” substitute “Subject to paragraphs (3) and (4)”.
- (4) In paragraph (3)—
  - (a) omit “94,”;
  - (b) omit “94C, 94D, 94E, 94F, 94G, 95,”.
- (5) After paragraph (3) insert—

“(4) Articles 265A, 265B, 265C, 265D, 265E and 265F apply to or in relation to unmanned aircraft to which this article applies, and article 265(3) applies in relation to those articles.”.

#### **Revocation of article 94**

6. Omit article 94 (small unmanned aircraft: requirements).

#### **Amendment of article 94A**

7.—(1) Article 94A (small unmanned aircraft: permissions for certain flights) is amended as follows.

- (2) For article 94A(1) substitute—

##### **“Certain unmanned aircraft: permission for flights that are over or near aerodromes**

**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, and
  - (b) the remote pilot must not fly the unmanned aircraft on that flight or that part of that flight.”.
- (3) Omit paragraphs (2) and (3).
- (4) In paragraph (4), in the words before sub-paragraph (a)—
- (a) at the beginning, insert “Subject to paragraph (4A),”;
  - (b) for “a small unmanned aircraft” substitute “an unmanned aircraft”.
- (5) After paragraph (4), insert—
- “(4A) Permission is not required under paragraph (4) for a flight, or a part of a flight, by an unmanned aircraft subject to certification.”.

## Revocation of articles relating to small unmanned aircraft

8. Omit articles 94C(a), 94D, 94E, 94F, 94G and 95.

## Additional provisions relating to unmanned aircraft

9. After article 265 (offences and penalties), insert—

### **“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);

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(a) As a result of the revocation of article 94C, the Air Navigation (Minimum Age for Operators of Small Unmanned Aircraft) Regulations 2019 (S.I. 2019/1286) cease to have effect.

- (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.

**Offences: Contravention of Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft – remote pilot**

**265B.**—(1) A remote pilot must not fly an unmanned aircraft other than a tethered small unmanned aircraft unless—

- (a) at the time of take-off, the remote pilot reasonably holds the view that the requirements in Article 4(1) of, and Part A of the Annex to, the Unmanned Aircraft Implementing Regulation will be met in respect of the planned 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 remote pilot who contravenes paragraph (1) in relation to a flight, and who was not also the UAS operator in relation to that flight, is guilty of an offence.

(3) A remote pilot 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 imposed in any of the following provisions of Part A of the Annex to the Unmanned Aircraft Implementing Regulation—

- (a) point UAS.OPEN.010(2) (maximum operating height);
- (b) point UAS.OPEN.060(1)(a), insofar as it relates to having the appropriate competency in the intended subcategory of flight;
- (c) point UAS.OPEN.060(1)(a), insofar as it relates to carrying proof of competency;
- (d) point UAS.OPEN.060(1)(d) (certain safety checks);
- (e) point UAS.OPEN.060(1)(e) (MTOM check);
- (f) point UAS.OPEN.060(2)(a) (fitness to fly);
- (g) point UAS.OPEN.060(2)(b), insofar as it requires the remote pilot to keep the unmanned aircraft in visual line of sight;
- (h) point UAS.OPEN.060(2)(b), insofar as it relates to discontinuing the flight in certain circumstances;
- (i) point UAS.OPEN.060(2)(c) (geographical zones);
- (j) point UAS.OPEN.060(3) (flights close to emergency response).

(6) For the purposes of paragraph (3), in the case of a flight conducted in the circumstances referred to in paragraph (1)(a) with a UAS of a kind specified in a provision of the Unmanned Aircraft Implementing Regulation listed in column 1 of Table 1 below, a “relevant requirement” also includes a requirement imposed in a provision of that Regulation specified in column 2 of that table (where “point” refers to a point in the Annex to that Regulation).

**Table 1**

<i>Provision specifying the kind of UAS</i>	<i>Provision containing “relevant requirements”</i>
Article 22(a)	Point UAS.OPEN.020(1)
Point UAS.OPEN.020(5)(a), (b) or (c)	Point UAS.OPEN.020(2)
Point UAS.OPEN.020(5)(d)	Point UAS.OPEN.020(1)
Point UAS.OPEN.040(4)(c) if, at the time of take-off, the remote pilot does not intend to comply with points UAS.OPEN.040(1) and (2) of that Annex	Point UAS.OPEN.030(1)
Article 22(b)	Article 22(b)
Point UAS.OPEN.040(4)(c) if, at the time of take-off, the remote pilot intends to comply with points UAS.OPEN.040(1) and (2) of that Annex	Points UAS.OPEN.040(1) and (2)
Point UAS.OPEN.040(4)(a), (b), (d) or (e)	Points UAS.OPEN.040(1) and (2)
Article 22(c)	Points UAS.OPEN.040(1) and (2)

(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)(i) or (ii) is a requirement imposed in any of the following provisions of Part B of the Annex to the Unmanned Aircraft Implementing Regulation—

- (a) point UAS.SPEC.060(1)(a) (fitness to fly);
- (b) point UAS.SPEC.060(1)(b), insofar as it relates to having the appropriate competency;
- (c) point UAS.SPEC.060(1)(b), insofar as it relates to carrying proof of competency;
- (d) point UAS.SPEC.060(2)(c) (certain safety checks);
- (e) point UAS.SPEC.060(3)(a) (authorised limitations and conditions);
- (f) point UAS.SPEC.060(3)(b) (risk avoidance);
- (g) point UAS.SPEC.060(3)(c) (geographical zones);
- (h) point UAS.SPEC.060(3)(d) (operator’s procedures);
- (i) point UAS.SPEC.060(3)(e) (flights close to emergency response).

(8) 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 any condition of a kind referred to in Article 16(3) of the Unmanned Aircraft Implementing Regulation that is imposed on the remote pilot in the authorisation.

#### **Offence: registration of certified unmanned aircraft**

**265C.**—(1) The owner of an unmanned aircraft required by Article 6(1) or (2) of the Unmanned Aircraft Implementing Regulation to be certified must not cause or permit that aircraft to be flown unless the owner has first registered that aircraft in accordance with Article 14(7) of that Regulation.

(2) Any person who contravenes paragraph (1) is guilty of an offence.

### **Minimum age requirements: UAS operators and remote pilots**

**265D.**—(1) In accordance with Article 9(3)(a) of the Unmanned Aircraft Implementing Regulation, the minimum age for remote pilots operating a UAS in the ‘open’ category is lowered from 16 years to 12 years.

(2) The minimum age of 16 years for remote pilots operating a UAS in the ‘specific’ category is lowered—

- (a) to 14 years in accordance with Article 9(3)(b) of the Unmanned Aircraft Implementing Regulation; or
- (b) when operating in the framework of model aircraft clubs or associations, to 14 years or any lower minimum age provided for in an authorisation issued in accordance with Article 16 of that Regulation.

(3) A UAS operator must not cause or permit an unmanned aircraft other than a tethered small unmanned aircraft to be flown by a remote pilot who does not meet the minimum age for operating a UAS required by Article 9 of the Unmanned Aircraft Implementing Regulation, subject to paragraphs (1) and (2).

(4) A UAS operator who contravenes paragraph (3) is guilty of an offence.

(5) Paragraphs (3) and (4) cease to have effect on IP completion day<sup>(a)</sup>.

(6) In the case of an individual, the CAA must not issue a unique digital registration number to a UAS operator in accordance with Article 14(6) of the Unmanned Aircraft Implementing Regulation unless the UAS operator is at least 18 years of age.

(7) In this article—

- (a) ‘open’ category means a category of UAS operations that is defined in Article 4 of the Unmanned Aircraft Implementing Regulation;
- (b) ‘specific’ category means a category of UAS operations that is defined in Article 5 of the Unmanned Aircraft Implementing Regulation.

### **Offences: tethered small unmanned aircraft**

**265E.**—(1) A UAS operator must not cause or permit a tethered small unmanned aircraft to be flown, unless the following requirements of the Unmanned Aircraft Implementing Regulation are complied with in relation to the tethered small unmanned aircraft—

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

(2) Subject to paragraph (3), a remote pilot must not fly a tethered small unmanned aircraft unless the following requirements of the Unmanned Aircraft Implementing Regulation are complied with in relation to the tethered small unmanned aircraft—

- (a) where the tethered small unmanned aircraft has a MTOM of less than 250g, the following provisions of Part A of the Annex to that Regulation—
  - (i) point UAS.OPEN.010(2) (maximum operating height);
  - (ii) point UAS.OPEN.020(2) (overflight of people);
  - (iii) point UAS.OPEN.060(1)(d) (certain safety checks);
  - (iv) point UAS.OPEN.060(2)(a) (fitness to fly);

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(a) IP Completion day is defined in Schedule 1 to the Interpretation Act (c. 30) by reference to section 39 of the European Union (Withdrawal Agreement) Act 2020 (c. 1), as 11:00pm on 31 December 2020.

- (v) point UAS.OPEN.060(2)(b), insofar as it requires the remote pilot to keep the unmanned aircraft in visual line of sight;
- (vi) point UAS.OPEN.060(2)(b), insofar as it relates to discontinuing the flight in certain circumstances;
- (vii) point UAS.OPEN.060(2)(c) (geographical zones);
- (viii) point UAS.OPEN.060(3) (flights close to emergency response);
- (b) where the tethered small unmanned aircraft has a MTOM 250g or more, the following provisions of Part A of that Annex—
  - (i) point UAS.OPEN.010(2) (maximum operating height);
  - (ii) point UAS.OPEN.020(4)(b) (competency);
  - (iii) point UAS.OPEN.040(1) (overflight of people);
  - (iv) point UAS.OPEN.040(2) (horizontal distances);
  - (v) point UAS.OPEN.060(1)(a) insofar as relates to carrying proof of competency;
  - (vi) point UAS.OPEN.060(1)(d) (certain safety checks);
  - (vii) point UAS.OPEN.060(2)(a) (fitness to fly);
  - (viii) point UAS.OPEN.060(2)(b), insofar as it requires the remote pilot to keep the unmanned aircraft in visual line of sight;
  - (ix) point UAS.OPEN.060(2)(b), insofar as it relates to discontinuing the flight in certain circumstances;
  - (x) point UAS.OPEN.060(2)(c) (geographical zones);
  - (xi) point UAS.OPEN.060(3) (flights close to emergency response).

(3) A remote pilot may fly a tethered small unmanned aircraft in a manner not in compliance with the requirements specified in paragraphs (2)(a)(i), (2)(a)(ii), (2)(a)(v), (2)(b)(i), (2)(b)(iii), (2)(b)(iv) and (2)(b)(viii) provided that flight or that part of that flight is in accordance with a permission issued by the CAA to the UAS operator.

(4) For the purposes of paragraphs (1) and (2), any reference to an “unmanned aircraft” or “UAS” in the Unmanned Aircraft Implementing Regulation is to be read as if it includes a tethered small unmanned aircraft or a system that includes such an aircraft.

(5) The UAS operator or a remote pilot of a tethered small unmanned aircraft must not cause or permit—

- (a) any material to be dropped from, or dangerous goods to be carried on, the aircraft during flight;
- (b) the aircraft to be flown where the limit imposed by the restraining device is more than 25m long,

other than in accordance with a permission issued by the CAA to the UAS operator.

(6) The UAS operator must not cause or permit a small tethered unmanned aircraft to be flown unless the UAS operator has reasonably formed the view that the remote pilot of the aircraft complies with the requirement specified in paragraph (2)(b)(ii) in relation to that flight.

(7) Any person who contravenes paragraph (1), (2), (5) or (6) is guilty of an offence.

(8) In this article, “dangerous goods” and “MTOM” have the meanings assigned to them in Article 2 of the Unmanned Aircraft Implementing Regulation.

## **Penalties**

**265F.**—(1) Any person guilty of an offence under article 265A(2) or article 265B(2) is liable on summary conviction—

- (a) in England and Wales to a fine; or

- (b) in Scotland or Northern Ireland to a fine not exceeding the statutory maximum.
- (2) Any person guilty of an offence under article 265A(3) is liable on summary conviction to a fine—
- (a) not exceeding level 3 on the standard scale if the offence relates to contravention of a relevant requirement referred to in—
    - (i) article 265A(5)(a) (registration);
    - (ii) article 265A(5)(b) (display of registration number);
    - (iii) article 265A(5)(d)(i) (designation of remote pilot);
    - (iv) article 265A(5)(d)(ii) (competency of remote pilot);
    - (v) article 265A(5)(d)(iii) (geo-awareness updates);
    - (vi) article 265A(6)(a) (registration);
    - (vii) article 265A(6)(b) (display of registration number);
    - (viii) article 265A(6)(d)(ii) (designation of remote pilot or allocation of responsibilities for autonomous operations);
    - (ix) article 265A(6)(d)(iii) (competence of remote pilot);
    - (x) article 265A(6)(d)(iv) (operations manual);
    - (xi) article 265A(6)(d)(vi) (record-keeping);
    - (xii) article 265A(6)(vii) (access to records);
    - (xiii) article 265A(7)(a) (registration);
    - (xiv) article 265A(7)(b) (display of registration number);
    - (xv) article 265A(7)(d)(ii) (designation of remote pilot or allocation of responsibilities for autonomous operations);
    - (xvi) article 265A(7)(d)(iii) (competency of remote pilot);
    - (xvii) article 265A(7)(d)(iv) (operations manual);
    - (xviii) article 265A(7)(d)(vi) (record-keeping);
    - (xix) article 265A(7)(e)(iv) (LUC record-keeping);
    - (xx) article 265A(7)(e)(v) (access to records);
    - (xxi) article 265A(9)(a) (registration); or
    - (xxii) article 265A(9)(b) (display of registration number);
  - (b) not exceeding level 4 on the standard scale in any other case.
- (3) Any person guilty of an offence under article 265B(3) is liable on summary conviction to a fine—
- (a) not exceeding level 2 on the standard scale if the offence relates to contravention of a relevant requirement referred to in article 265B(5)(c) or (7)(c) (requirements for remote pilot to carry proof of competency);
  - (b) not exceeding level 3 on the standard scale if the offence relates to contravention of a relevant requirement referred to in article 265B(5)(b), (5)(e) or (7)(b) (requirements for remote pilot to have appropriate competency and verify MTOM);
  - (c) not exceeding level 4 on the standard scale in any other case.
- (4) Any person guilty of an offence under article 265C(2) or 265D(4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Any person guilty of an offence under article 265E(7) is liable on summary conviction to a fine—
- (a) not exceeding level 2 on the standard scale if the offence relates to the requirement in article 265E(2)(b)(v) (requirement for remote pilot to carry proof of competency);

- (b) not exceeding level 3 on the standard scale if the offence relates to a requirement referred to in—
  - (i) article 265E(1)(a) (registration);
  - (ii) article 265E(1)(b) (display of registration number);
  - (iii) article 265E(1)(d) (designation of remote pilot);
  - (iv) article 265E(1)(e) (geo-awareness updates);
  - (v) article 265E(2)(b)(ii) (competency); or
  - (vi) article 265E(6) (remote pilot competency);
- (c) not exceeding level 4 on the standard scale in any other case.”.

**Amendment of article 270**

- 10.** In article 270(2) (competent authority), after sub-paragraph (e) insert—
- “(ea) the Unmanned Aircraft Delegated Regulation;
  - (eb) the Unmanned Aircraft Implementing Regulation;”.

**Amendment of Schedule 1**

- 11.** In paragraph 1 of Schedule 1 (interpretation)—
- (a) after the definition of “low visibility operations” insert—
    - ““LUC” refers to a light UAS operator certificate, which means a certificate issued to a UAS operator by the CAA under point UAS.LUC.050 of Part C of the Annex to the Unmanned Aircraft Implementing Regulation;”;
  - (b) for the definition of “Remote pilot” substitute—
    - “remote pilot” means an individual 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;”;
  - (c) omit the definition of “Small unmanned aircraft”;
  - (d) omit the definition of “SUA operator”;
  - (e) in the definition of “Tethered”, before “means” insert “, in relation to a balloon;”;
  - (f) after the definition of “Tethered” insert—
    - ““tethered small unmanned aircraft” means an unmanned aircraft—
      - (a) having a MTOM, within the meaning of Article 2 of the Unmanned Aircraft Implementing Regulation, of not more than 1kg; and
      - (b) which is flown within limits imposed by a restraining device which attaches the aircraft to the surface or to a person on the surface;”;
  - (g) after the definition of “Type rating” insert—
    - ““UAS” refers to an unmanned aircraft system, and means an unmanned aircraft and the equipment to control it remotely;
    - “UAS operator” means any person operating or intending to operate one or more UAS;”;
  - (h) after the definition of “United Kingdom licence” insert—
    - ““unmanned aircraft” means any aircraft operating or designed to operate autonomously or to be piloted remotely without a pilot on board;

“Unmanned Aircraft Delegated Regulation” means Commission Delegated Regulation (EU) 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems<sup>(a)</sup>;

“Unmanned Aircraft Implementing Regulation” means Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft<sup>(b)</sup>;

“unmanned aircraft subject to certification” means any unmanned aircraft forming part of a UAS required to be certified under Article 40(1)(a), (b) or (c) of the Unmanned Aircraft Delegated Regulation;”.

### **Amendment of Schedule 13**

**12.** In Schedule 13 (penalties)—

- (a) in Part 1, in Chapter 1, omit the entries for articles 94D and 94F;
- (b) in Part 2, in Chapter 1—
  - (i) omit the entry for article 94;
  - (ii) in the entry for article 94A(1), in the second column (subject matter), for “Permissions for certain flights by small unmanned aircraft” substitute “Permission for unmanned aircraft flights over or near aerodromes”;
  - (iii) omit the entry for article 95.

### **Transitional provisions**

**13.—**(1) A permission granted to any person under article 94(5), 94A(2) or 95(1) of the Air Navigation Order 2016 before 31st December 2020 has effect, on and after 31st December 2020, as if it were an operational authorisation issued to that person under Article 12 of the Unmanned Aircraft Implementing Regulation and as if any condition of the permission was a condition of that operational authorisation.

(2) A certificate of registration issued to any person under article 94C(1) of the Air Navigation Order 2016 before 31st December 2020 has effect, from 31st December 2020 until the date on which it would have expired, as evidence that that person has satisfied the registration requirement in Article 14(5) of the Unmanned Aircraft Implementing Regulation.

(3) An acknowledgement of competency issued to any person under article 94E(1) of the Air Navigation Order 2016 before 31st December 2020 has effect, from 31st December 2020 until the date on which it would have expired, as evidence that that person has the appropriate competency required by point UAS.OPEN.020(4)(b) of Part A of the Annex to the Unmanned Aircraft Implementing Regulation.

(4) Subject to paragraph (5), an exemption granted to any person under article 266 of the Air Navigation Order 2016 before 31st December 2020—

- (a) from article 94(3) of that Order, in respect of a small unmanned aircraft; or
- (b) from any other provision of that Order, in respect of any unmanned aircraft other than a small unmanned aircraft,

has effect, on and after 31st December 2020, as if it were an operational authorisation issued to that person under Article 12 of the Unmanned Aircraft Implementing Regulation and as if any condition of the exemption was a condition of that operational authorisation.

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(a) OJ L 152, 11.6.2019, p. 1.  
(b) OJ L 152, 11.6.2019, p. 45.

(5) Paragraph (4) does not apply to any exemption granted in respect of an unmanned aircraft required to be certified under Article 40(1)(a), (b) or (c) of the Unmanned Aircraft Delegated Regulation.

*Richard Tilbrook*  
Clerk of the Privy Council

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Air Navigation Order 2016 (S.1. 2016/765) (“the 2016 Order”), to update the legislative framework for unmanned aircraft for when Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft (“the Unmanned Aircraft Implementing Regulation”) becomes applicable on 31st December 2020. It also creates criminal offences for breaches of requirements in that Regulation.

The flying of “small unmanned aircraft” up to 20kg in mass is currently regulated by articles 94, 94A to 94G and 95 of the 2016 Order which deal, for example, with registration of operators and acknowledgements of competency for remote pilots. Articles 6 and 8 of this instrument revoke those provisions where they are superseded by new requirements in the Unmanned Aircraft Implementing Regulation, which will apply to all sizes of unmanned aircraft except those subject to certification under Delegated Regulation (EU) 2019/945 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems. Article 94A of the 2016 Order is amended so that it will continue to require additional permissions for flights by unmanned aircraft over or near certain aerodromes, and this too will apply to all sizes of unmanned aircraft except those subject to certification.

Article 9 inserts new articles 265A to 265F into the 2016 Order. Articles 265A and 265B create criminal offences where operators and remote pilots of unmanned aircraft breach requirements in the Unmanned Aircraft Implementing Regulation. Article 265C makes it an offence for the owner of an unmanned aircraft in the certified category to cause or permit that aircraft to be flown without first having registered. Article 265D reduces the minimum age for remote pilots to 12 or 14 in certain categories and, until the end of the transition period, makes it an offence for a UAS operator to cause or permit an unmanned aircraft to be flown by a remote pilot who is not older than the relevant age. Article 265E applies certain provisions of the Unmanned Aircraft Implementing Regulation to tethered small unmanned aircraft which would otherwise not be subject to any regulation because they are excluded from the application Regulation (EU) 2018/1139 on common rules in the field of civil aviation and establishing a European Union Safety Agency, and therefore from the Unmanned Aircraft Implementing Regulation. Article 265F sets out the maximum penalties for each criminal offence.

Article 10 appoints the Civil Aviation Authority as the competent authority for the purposes of the Unmanned Aircraft Delegated Regulation and the Unmanned Aircraft Implementing Regulation. Articles 3 to 5 and 12 make consequential amendments to the 2016 Order, and article 11 also inserts necessary definitions.

Article 13 provides transitional arrangements for the ongoing recognition of certificates of registration, acknowledgements of competency, and certain other permissions and exemptions granted under the 2016 Order, and sets out the effect that these are to be treated as having under the Unmanned Aircraft Implementing Regulation.

A full impact assessment has not been produced for this instrument, as no, or no significant impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum has been published alongside this instrument on the UK legislation website at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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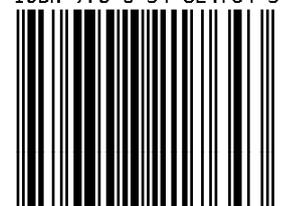


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