

## Rules governing the flying of drones (multi rotor model aircraft with cameras)

Concern has been expressed that some people could be flying drones in and around Orleton.

This article explains the regulations covering this, so that anyone doing so does not fall foul of the regulations defined by the CAA (Civil Aviation Authority) and the Police. This guidance has been adapted from material provided by the BMFA (British Model Flying Association).

Drones have become very popular recently and there are some basic rules that you should adhere to.

### THE LEGAL POSITION

The overriding consideration is compliance with the relevant articles of the Civil Aviation, Air Navigation Order (ANO); the primary “endangering” provisions are addressed by Articles 138 and 137 shown below:

*Article 138*      **“A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property”**

*Article 137*      **“A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft”**

Here are the CAA articles referring to drones and other model aircraft

#### *Article 166, (Small Unmanned Aircraft)*

- (2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.*
- (3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.*
- (5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of airial work except in accordance with a permission granted by the CAA.*

Here are the CAA articles referring to drones and other model aircraft with cameras. Please note that the village of Orleton has been designated as a “congested area” by the CAA.

#### *Article 167, (Small unmanned surveillance aircraft)*

- (1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.*
- (2) The circumstances referred to in paragraph (1) are:*
  - (a) over or within 150 metres of any congested area;*
  - (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;*
  - (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 (3) and (4), within 50 metres of any person.*
- (3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.*
- (4) Paragraphs (2) (d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.*
- (5) In this article ‘a small unmanned surveillance aircraft’ means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.*

The BMFA Members Handbook contains the following notes which help to clarify the conditions outlined within Article 167.

*They are only concerned with models equipped with cameras, video equipment etc. that have the potential to be used for surveillance purposes, either visual or electronic.*

*Please note that it does NOT prohibit flying a such a model for recreational purposes.*

*The person in charge of the model must retain direct visual contact with the model and there are some restrictions as to where you can fly.*

*Probably the most important restrictions are the limits of not flying within 50 metres of any person or 30 metres from any person during take-off and landing’*

## **THE PRACTICAL APPLICATION**

The primary aim of the various ANO provisions is to prevent members of the public being endangered and full size aviation being endangered, to a lesser degree these provisions also help to limit the potential for causing nuisance and for invading privacy.

In terms of filming or image capturing this limits how close we can get to people and structures that are nothing to do with us (i.e. not under the control of the pilot), however the positive aspect is that the wording of 167(c) permits closer operations where it is with the consent and knowledge of all parties involved (notwithstanding the primary endangering considerations of course).

## **AERIAL WORK OR SPORT AND RECREATION?**

Another primary consideration is the purpose of the flight, the flying of a model aircraft with a camera on board is recognised as a sport and recreational activity by the CAA and therefore covered under the terms of the insurance provided as part of BMFA membership (provided it is legal in respect of the ANO).

However, where a flight is made for payment or the purpose is in any way commercial i.e. not as a sport and recreational activity, then it becomes classed as aerial work by the CAA and requires an exemption to the ANO to be issued in order to take place lawfully. Details of aerial work and exemption information can be obtained from the CAA ([www.kaa.co.uk](http://www.kaa.co.uk))

It should be borne in mind that “aerial work” is an entirely separate activity to model flying, and as such it must be insured under the terms of an appropriate commercial policy, the standard policy provided to BMFA members does not provide cover for aerial photography on a commercial basis.

## **FLYING LOCATIONS**

Whilst the overall considerations are the same as for any other model aircraft, there is no doubt that multirotors open up new areas for flying due to their ability to operate in relatively small spaces, this does however mean that careful consideration is required before flying in order to remain lawful.

If intending to fly on private land then the permission of the landowner should be sought, if flying on public land such as a park or open access site then you must ensure that there are no bylaws in place specifically prohibiting or restricting model flying.

The other main consideration is the overall suitability of the location for the activity, and that all flying can take place in compliance with the primary “endangering” provisions of the ANO and also in accordance with the distances set out above.

## **IN SUMMARY**

Be familiar with the legal requirements relating to flying drones.
Ensure that the proposed flying location is appropriate and safe.
Do not constitute a nuisance.
Ensure that you have appropriate liability insurance cover in place to protect you.
Do not endanger person or property.
Maintain line of site for the purposes of control at all times.
Do not invade privacy.

If you are not covered by an existing insurance, then you should consider joining the BMFA so that you are properly covered by its very comprehensive insurance scheme. Go to [www.bmfa.org](http://www.bmfa.org) for details.