
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation Order 2016 (S.I. 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 Articles 6 and 8 of this instrument revoke those provisions where they are superseded by new requirements in the Unmanned Aircraft Implementing Regulation, which will apply to all sizes of unmanned aircraft except those subject to certification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.