
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 – 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

Provision specifying the kind of UAS	Provision containing “relevant requirements”
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.]

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 265B.