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STATUTORY INSTRUMENTS

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**2016 No. 765**

The Air Navigation Order 2016

**PART 5**

Operations

CHAPTER 4

Other aerial activities

**[<sup>F1</sup>Certain unmanned aircraft: permission for flights that are over or near space sites**

**94BA.**—(1) If the permission that is required under paragraph (2) 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 the flight.

(2) Subject to paragraph (3), permission for a flight, or part of a flight, by an unmanned aircraft in the flight restriction zone of a protected space site is required from the operator of the protected space site.

(3) Permission is not required under paragraph (2) for a flight, or a part of a flight, by an unmanned aircraft subject to certification.

(4) In this article—

“protected space site” means—

- (a) a spaceport, as defined by section 3(2) of the Space Industry Act 2018, or
- (b) an installation at sea, at which controlled and planned landings of spacecraft take place or are to take place, which can be moved from place to place without major dismantling or modification,

which is not a certified aerodrome, a Government aerodrome or a national licensed aerodrome;

“spacecraft” has the meaning given in section 2(6) of the Space Industry Act 2018.

(5) The “flight restriction zone of a protected space site” consists of the airspace extending from the surface to a height of 2,000 feet above the level of the protected space site within the area bounded by a circle centred on the mid-point of the launch pad that has the largest area and which has a radius of five kilometres.]

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**Textual Amendments**

- F1** Art. 94BA inserted (19.8.2021) by [The Air Navigation \(Amendment\) Order 2021 \(S.I. 2021/879\)](#), arts. 1(1), **5(3)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Air Navigation Order 2016, Section 94BA.