

STATUTORY INSTRUMENTS

2019 No. 261

CIVIL AVIATION

The Air Navigation (Amendment) Order 2019

Made - - - - - *13th February 2019*
Laid before Parliament *20th February 2019*
Coming into force - - *13th March 2019*

At the Court at Buckingham Palace, the 13th day of February 2019

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)(c), (e), (h), and (l) and (4) and 61(1)(a) of, and Schedule 13 to, the Civil Aviation Act 1982 ^{M1}.

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

Marginal Citations

M1 1982 c.16. Section 61 was amended by the [Aviation \(Offences\) Act 2003 \(c.19\)](#), [section 2](#). There are other amendments but none is relevant.

Citation and commencement **U.K.**

- 1.—(1) This Order may be cited as the Air Navigation (Amendment) Order 2019.
- (2) This Order comes into force on 13th March 2019.

Commencement Information

II [Art. 1](#) in force at 13.3.2019, see [art. 1\(2\)](#)

Amendment of the Air Navigation Order 2016 **U.K.**

2. The Air Navigation Order 2016 ^{M2} is amended as follows.

Commencement Information

I2 [Art. 2](#) in force at 13.3.2019, see [art. 1\(2\)](#)

Marginal Citations

M2 [S.I. 2016/765](#). Article 94 and Schedules 1 and 13 were amended, and articles 94A to 94G inserted, by [S.I. 2018/623](#). There are other amendments but none is relevant.

Amendment of article 94 **U.K.**

3. In article 94 (small unmanned aircraft: requirements), omit paragraphs (4) and (4A).

Commencement Information

I3 [Art. 3](#) in force at 13.3.2019, see [art. 1\(2\)](#)

Replacement of articles 94A and 94B **U.K.**

4. For articles 94A (small unmanned aircraft: height restrictions on flights) and 94B (small unmanned aircraft: restrictions on flights that are over or near aerodromes) substitute—

“Small unmanned aircraft: permissions for certain flights

94A.—(1) If the permission or permissions that are required under this article for a flight, or a part of a flight, by a small unmanned aircraft have not been obtained—

- (a) the SUA operator must not cause or permit the small unmanned aircraft to be flown on that flight or that part of the flight, and
- (b) the remote pilot must not fly the small unmanned aircraft on that flight or that part of the flight.

(2) Permission from the CAA is required for a flight, or a part of a flight, by a small unmanned aircraft at a height of more than 400 feet above the surface.

(3) But permission from the CAA is not required under paragraph (2) if—

- (a) the flight, or the part of the flight, takes place in a flight restriction zone at a protected aerodrome, and
- (b) permission for the flight, or the part of the flight, is required under paragraph (4) from an air traffic control unit or a flight information service unit.

(4) Permission for a flight, or a part of a flight, by a small unmanned aircraft in the flight restriction zone of a protected aerodrome is required—

- (a) from any air traffic control unit at the protected aerodrome, if the flight, or the part of the flight, takes place during the operational hours of the air traffic control unit;
- (b) from any flight information service unit at the protected aerodrome, if the flight, or the part of the flight, takes place during the operational hours of the flight information service unit and either—
 - (i) there is no air traffic control unit at the protected aerodrome, or
 - (ii) the flight, or the part of the flight, takes place outside the operational hours of the air traffic control unit at the protected aerodrome;
- (c) from the operator of the protected aerodrome, if—

- (i) there is neither an air traffic control unit nor a flight information service unit at the protected aerodrome, or
 - (ii) the flight, or the part of the flight, takes place outside the operational hours of any such unit or units at the protected aerodrome.
- (5) In this article, “operational hours”, in relation to an air traffic control unit or flight information service unit, means the operational hours—
- (a) notified in relation to the unit, or
 - (b) set out in the UK military AIP in relation to the unit.
- (6) In this article and article 94B, “protected aerodrome” means—
- (a) an EASA certified aerodrome,
 - (b) a Government aerodrome,
 - (c) a national licensed aerodrome, or
 - (d) an aerodrome that is prescribed, or of a description prescribed, for the purposes of this paragraph.
- (7) The “flight restriction zone” of a protected aerodrome is to be determined for the purposes of this article in accordance with the following table—

<i>Type of protected aerodrome</i>	<i>The “flight restriction zone”</i>
A protected aerodrome which is— <ul style="list-style-type: none">(a) an EASA certified aerodrome,(b) a Government aerodrome, or(c) a national licensed aerodrome, and which has an aerodrome traffic zone.	The flight restriction zone consists of— <ul style="list-style-type: none">(a) the aerodrome traffic zone at the aerodrome,(b) any runway protection zones at the aerodrome, and(c) any additional boundary zones at the aerodrome.
A protected aerodrome which is— <ul style="list-style-type: none">(a) an EASA certified aerodrome,(b) a Government aerodrome, or(c) a national licensed aerodrome, but which does not have an aerodrome traffic zone.	The flight restriction zone consists of the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of two nautical miles. But if the longest runway does not have a notified mid-point, the mid-point of that runway is to be used instead for the purposes of determining the flight restriction zone.
A protected aerodrome that is prescribed, or of a description prescribed, under paragraph (6)(d).	The flight restriction zone consists of the zone that is prescribed for the purposes of this paragraph.

Interpretation of expressions used in the definition of “flight restriction zone”

- 94B.—**(1) This article makes provision about the meaning of expressions used in the definition of “flight restriction zone” in article 94A(7) that applies in relation to a protected aerodrome which is—
- (a) an EASA certified aerodrome,
 - (b) a Government aerodrome, or
 - (c) a national licensed aerodrome,
- and which has an aerodrome traffic zone.

(2) Subject to paragraph (4), there is one runway protection zone for each runway threshold of each runway at the aerodrome.

(3) A “runway protection zone”, in relation to a runway threshold at the aerodrome, is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a rectangle—

- (a) whose longer sides measure 5 km,
- (b) whose shorter sides measure—
 - (i) 1 km (except in the case of Heathrow Airport), or;
 - (ii) 1.5 km, in the case of Heathrow Airport, and
- (c) which is positioned so that—
 - (i) one of the shorter sides of the rectangle (“side A”) runs across the runway threshold, and
 - (ii) the two longer sides of the rectangle are parallel to, and equidistant from, the extended runway centre line as it extends from side A out to, and beyond, the runway end to which the runway threshold relates.

(4) There is no runway protection zone—

- (a) for any runway threshold at the London Heliport;
- (b) for any runway threshold that is prescribed, or of a description prescribed, for the purposes of this paragraph.

(5) The “runway threshold” of a runway at the aerodrome is the location that, for the purpose of demarcating the start of the portion of the runway that is useable for landing, is—

- (a) notified as the threshold of the runway, or
- (b) set out as the threshold of the runway in the UK military AIP.

(6) The “extended runway centre line”, in relation to a runway at the aerodrome, is an imaginary straight line which runs for the length of the runway along its centre and then extends beyond both ends of the runway.

(7) An “additional boundary zone” is the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within any part of the area between—

- (a) the boundary of the aerodrome, and
- (b) a line that is 1 km from the boundary of the aerodrome (the “1 km line”),

that is neither within the aerodrome traffic zone nor within any runway protection zone at the aerodrome.

(8) The 1 km line is to be drawn so that the area which is bounded by it includes every location that is 1 km from the boundary of the aerodrome, measured in any direction from any point on the boundary.”

Commencement Information

I4 [Art. 4](#) in force at 13.3.2019, see [art. 1\(2\)](#)

Amendment of Schedule 1 **U.K.**

5. In Schedule 1 (interpretation)—

(a) after the definition of “Let-down” insert—

““Level”, of an aerodrome, means the notified elevation of the aerodrome;”

(b) after the definition of “Uncontrollable balloon” insert—

““UK military AIP” means the document published by or on behalf of the Secretary of State entitled “United Kingdom Military Aeronautical Information Publication” and for the time being in force;”.

Commencement Information

I5 Art. 5 in force at 13.3.2019, see art. 1(2)

Amendment of Schedule 13 **U.K.**

6. In Part 2 of Schedule 13 (penalties: provisions referred to in article 265(6)), for the entries relating to articles 94A and 94B substitute—

“94A(1)	Permissions for certain flights by small unmanned aircraft”.
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Commencement Information

I6 Art. 6 in force at 13.3.2019, see art. 1(2)

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.I. 2016/765) (“the 2016 Order”) to extend the flight restriction zone at and around protected aerodromes, within which flights by small unmanned aircraft must not take place without permission. “Small unmanned aircraft” is defined in Schedule 1 to the 2016 Order and covers unmanned aircraft, other than balloons or kites, of 20kg or less. The new restrictions affect both the “SUA operator” and “remote pilot” of the small unmanned aircraft, which are defined in article 94G of the 2016 Order.

Currently article 94A of the 2016 Order prohibits the flying of small unmanned aircraft over 400 feet, and article 94B prohibits flights within the flight restriction zone of a protected aerodrome, without the required permission. Article 4 of this Order replaces these provisions with a new article 94A which sets out the permissions required (from 13th March 2019) for flights by small unmanned aircraft, and a new article 94B which provides associated definitions. Permission will be required for all flights by all small unmanned aircraft within the new flight restriction zone. Permission for such flights will need to be obtained from the air traffic control unit, flight information service unit or airport operator, depending on whether the flight takes place during the operational hours of either unit. Permission will be required from the Civil Aviation Authority for all flights above 400 feet, unless permission from an air traffic control unit or flight information service unit is required. Permission may relate to a flight, or part of a flight, and in some circumstances more than one permission may be required.

“Operational hours”, “protected aerodrome”, “flight restriction zone” and associated terms are defined in the new articles 94A(5), (6) and (7) and 94B. The new flight restriction zone will in most cases include the aerodrome traffic zone (or an equivalent area) and runway protection zones 1km wide (or 1.5km at Heathrow Airport) extending 5km from the runway thresholds, as well as any additional area within 1km of the aerodrome boundary. “Aerodrome traffic zone” is defined in article 5 of the 2016 Order, and “air traffic control unit”, “flight information service unit” and “notified” are defined in Schedule 1 to that Order. Article 5 of this Order also inserts into that Schedule a definition of the “level” of an aerodrome, above which the flight restriction zone extends by 2000 feet, and a definition of “UK military AIP”.

“Notified” means notified in the United Kingdom Aeronautical Information Publication, which is available at www.nats-uk.ead-it.com by selecting “IAIP” and then “eAIP AIRAC”, or in printed form (or on DVD) by writing to Aeronautical Information Service (AIS), NATS Swanwick, Room 3115, Sopwith Way, Southampton, Hants, SO31 7AY. “UK military AIP” means the United Kingdom Military Aeronautical Information Publication, which is available at <https://www.aidu.mod.uk/Milflip/index.php> by selecting UK MILAIP and then downloading a zip file, or in printed form either by emailing dronesconsultation@dft.gov.uk or by writing to The Drones Team, Department for Transport, Great Minster House, 33 Horseferry Road, SW1P 4DR.

Articles 3 and 6 of this Order make consequential amendments. Article 3 revokes the separate provision previously made in article 94(4) and (4A) of the 2016 Order for small unmanned aircraft over 7kg. Article 6 amends Schedule 13 of the 2016 Order so that breach of the amended prohibitions remains an offence under article 265 of the 2016 Order. Such offences are punishable on summary conviction with a fine of up to level 4 on the standard scale (currently £2,500).

An Impact Assessment has not been produced for this instrument as only minimal impact on the private, voluntary or public sectors is foreseen. An Explanatory Memorandum is available alongside this instrument on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Air Navigation (Amendment) Order 2019.