



# CIVIL AVIATION (SMALL UNMANNED AIRCRAFT) ORDER 2020

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Statutory Document No. 2020/0135



*Airports and Civil Aviation Act 1987*

## **CIVIL AVIATION (SMALL UNMANNED AIRCRAFT) ORDER 2020<sup>1</sup>**

*Approved by Tynwald: 22 July 2020  
Coming into operation in accordance with article 2*

The Department for Enterprise makes the following Order under section 11B and 11I of the Airports and Civil Aviation Act 1987.

### **1 Title**

This Order is the Civil Aviation (Small Unmanned Aircraft) Order 2020.

### **2 Commencement**

If approved by Tynwald<sup>1</sup> this Order comes into operation immediately upon the revocation of article 97 (small unmanned aircraft) and article 98 (small unmanned surveillance aircraft) of the Air Navigation (Isle of Man) Order 2015<sup>2</sup>.

### **3 Interpretation**

- (1) In this Order a small unmanned aircraft is deemed to be in “**flight**” from the moment when it first moves for the purpose of taking off, until the moment when it next comes to rest after landing, and the expressions “**fly**” and “**flying**” are to be construed accordingly.
- (2) A word or expression used in this Order, unless otherwise defined in this Order, has the same meaning as in the Civil Aviation (Miscellaneous Provisions) Order 2020<sup>3</sup>.

### **4 Application**

- (1) This Order does not apply to small unmanned aircraft having a mass of less than 250 grams.

<sup>1</sup> Tynwald approval is required by section 11(6) of the Airports and Civil Aviation Act 1987

<sup>2</sup> UK SI 2015 No. 870 (an Order in Council) as amended by UK SI 2016 No. 155

<sup>3</sup> SD No. 2020/0134

- (2) This Order does not apply to a remote pilot flying a small unmanned aircraft within an enclosed space.
- (3) In paragraph (2) “enclosed space” means a substantially enclosed space where there is no possibility for the small unmanned aircraft to escape into the open air.

## **5 General requirements**

- (1) A remote pilot must not cause or permit a small unmanned aircraft to endanger a person, property or any other aircraft.
- (2) A remote pilot must not –
  - (a) fly a small unmanned aircraft unless satisfied that the flight can safely be made; or
  - (b) cause or permit an article (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.
- (3) A remote pilot must not fly more than one small unmanned aircraft at a time, except in accordance with a permission granted by the Department.
- (4) A remote pilot must not fly a small unmanned aircraft at night, except in accordance with a permission granted by the Department.

## **6 Take-off mass**

A remote pilot must not fly a small unmanned aircraft with a maximum take-off mass of 4 kilograms or greater, except in accordance with a permission granted by the Department.

## **7 Rights of way**

A remote pilot of a small unmanned aircraft must ensure that the aircraft gives way to manned aircraft at all times, except in accordance with a permission granted by the Department.

## **8 Visual contact**

- (1) Subject to paragraph (5), a remote pilot 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.
- (2) Paragraph (1) does not apply if -
  - (a) the remote pilot is accompanied by an observer who maintains direct unaided visual contact with the small unmanned aircraft sufficient to monitor its flight path in relation to other aircraft,

- persons, vehicles, vessels and structures for the purpose of avoiding collisions and advises the remote pilot accordingly; and
- (b) the remote pilot complies with paragraph (3).
- (3) The remote pilot must, before using an observer, ensure that the observer -
- (a) has sufficient experience to enable the observer to identify existing and predictable hazards to ensure the safe flight of the small unmanned aircraft;
  - (b) is fully briefed on the planned flight and what is expected of the observer with respect to the flight, taking into account the prevailing conditions;
  - (c) stays directly adjacent to the remote pilot and maintains direct unaided visual contact with the small unmanned aircraft at all times, to monitor visually and aurally the airspace for other aircraft, and the take-off and landing area for any persons;
  - (d) has been instructed on the actions to take in the event another aircraft is observed and a risk of collision is identified; and
  - (e) is aware of the need to advise the remote pilot if the small unmanned aircraft is proceeding beyond the point at which its flight path may be monitored sufficiently to identify a risk of collision.
- (4) For the purposes of this article “unaided visual contact” includes visual contact with the use of corrective lenses.
- (5) The Department may grant permission to a remote pilot to fly otherwise than in accordance with paragraph (1).

## **9 Geographical restrictions**

A remote pilot of a small unmanned aircraft must not fly the aircraft within the airspace bounded by a circle of radius 5 kilometres centred on the aerodrome reference point of the Isle of Man Airport at 540500N 0043724W as shown on the map in the Schedule, except in accordance with a permission granted by the Department.

## **10 Vertical restrictions**

A remote pilot of a small unmanned aircraft must not fly the aircraft at a height of more than 400 feet above the earth’s surface, except in accordance with a permission granted by the Department.

## **11 Lateral restrictions**

A remote pilot of a small unmanned aircraft must not, except in accordance with a permission granted by the Department, fly the aircraft -

- (a) over or within 150 metres of a substantially residential, industrial, commercial or recreational area;
- (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
- (c) within 50 metres of a vessel, vehicle or structure that is not under the control of the remote pilot;
- (d) subject to sub-paragraph (e), within 50 metres of a person other than the remote pilot or a person under the control of the remote pilot; or
- (e) during take-off and landing within 30 metres of a person other than the remote pilot or a person under the control of the remote pilot.

## 12 Permissions

- (1) A permission under this Order must only be granted if the Department is satisfied that the applicant -
  - (a) has presented an acceptable safety case which demonstrates that relevant safety risks have been adequately assessed and that mitigations have been put in place to ensure an equivalent level of safety or alternative means of compliance, or both, is achieved; and
  - (b) is competent to make the flight and has adequate theoretical knowledge and practical flying experience.
- (2) A permission may specify the location where the pilot can fly a small unmanned aircraft and include such conditions as the Department may specify to ensure continued compliance with paragraph (1).
- (3) A permission may be varied by the Department.
- (4) Operational procedures pertinent to the risk of the flight must be produced on request to the Department before the flight takes place.
- (5) A permission remains valid for the period specified in the permission unless revoked or suspended by the Department.

## 13 Offences and penalties

- (1) Subject to paragraphs (2) and (3), a person who contravenes any of the requirements imposed -
  - (a) under article 10 or 11 commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale;
  - (b) under article 5(2), 5(3), 5(4), 6 or 8(1) commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale;
  - (c) under article 5(1), 7 or 9 commits an offence and is liable -

- (i) on summary conviction, to a fine not exceeding level 5 on the standard scale; or
  - (ii) on conviction on information, to a fine or to a term of custody not exceeding five years, or both.
- (2) A person is not to be taken to have contravened a provision specified in paragraph (1) if the person proves that -
  - (a) the contravention occurred without the person's consent or connivance; and
  - (b) the person exercised all due diligence to prevent the contravention.
- (3) If it is proved that an act or omission of a person that would otherwise have been a contravention by the person of a provision specified in paragraph (1) was due to any cause not avoidable by the exercise of reasonable care by the person, the act or omission is to be taken not to be a contravention by the person of that provision.

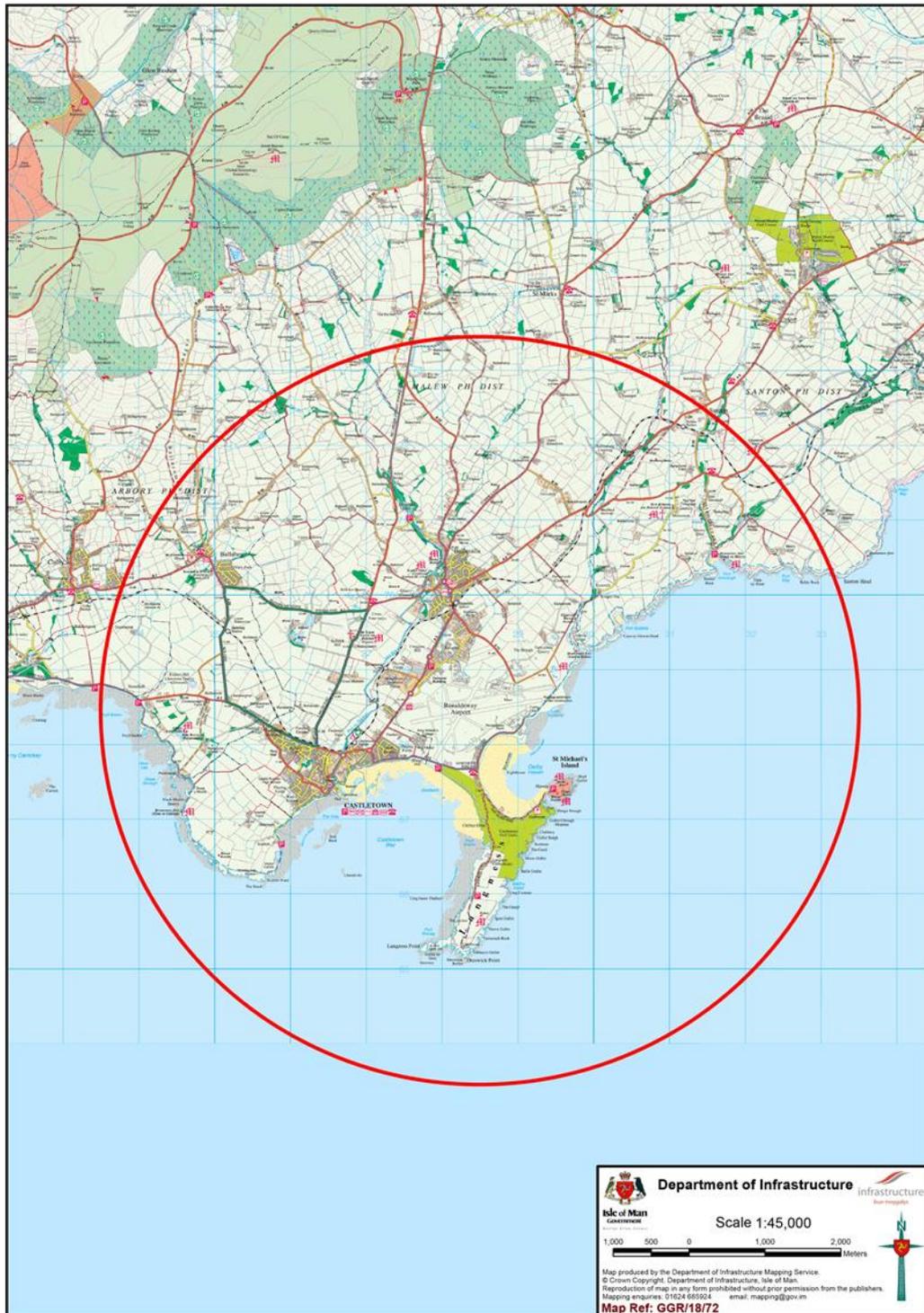
**MADE 3<sup>RD</sup> JUNE 2020**



SCHEDULE

GEOGRAPHICAL RESTRICTIONS: ISLE OF MAN AIRPORT

[ARTICLE 9]



## ENDNOTES

### Table of Endnote References

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<sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.