

# Drone laws in the UK – what are the rules?

The Telegraph, 18 APRIL 2016 • 9:53AM

A police investigation is ongoing after a drone crashed into a British Airways jet over Heathrow in what is believed to be the first case of its kind.

The pilot of the BA727 flight from Geneva, carrying 132 passengers and five crew members, reported to police that the front of the aircraft had been struck by the unmanned object shortly before it landed at lunchtime on Sunday. The aircraft landed intact and has been cleared for its next flight.

Drones are taking off in a big way. Once the preserve of the military, unmanned aerial vehicles (UAVs) are now used in a wide range of industries, from aerial surveillance of crops to search and rescue operations to delivery of medical supplies to remote or otherwise inaccessible regions.

Civilian use of drones has also been growing, as consumer-grade devices become increasingly sophisticated and ever cheaper. Many people simply regard them as toys – the modern equivalent of the remote-control helicopter – while others use built-in cameras for taking photos and filming videos from the sky.

## What are the rules for flying drones in the UK?

The rules governing use of drones are still evolving, as the implications of these new use cases become clear. For example, the House of Lords EU Committee **called for the compulsory registration** of all commercial and civilian drones, amid growing concern over the use of drones by private individuals with little knowledge of aviation rules.

At the moment, there is **nothing to stop you** going and buying a drone and taking it out flying, as long as the drone weighs less than 20kg and you are not using it for commercial reasons.

However, you must avoid flying it within 150 metres of a congested area and 50 metres of a person, vessel, vehicle or structure not under the control of the pilot.

"That's probably going to be fine if you're flying the drone in your back garden, but if you're in a park, for example, you need to be very careful about making sure you're not flying it within 50 metres of other people who are in the park," said Sally Annereau, data protection analyst at law firm Taylor Wessing.

You will also need to fly the aircraft "within sight". This means you can't go above 400 feet in altitude or further than 500 metres horizontally. If you want to exceed that, you need to seek explicit permission from the Civil Aviation Authority (CAA).

## Drone-airline near misses in the UK

Last month the Telegraph reported that the number of near misses involving aircraft and drones has quadrupled in the past year.

According to statistics released by the air regulator amid concerns about the safety of air space, some 23 near misses between aircraft and drones between April and October last year

were investigated by the UK Airprox Board (UKAB) according to its latest reports, including 12 given an A rating - meaning there was "a serious risk of collision".

This compared to 12 incidents between July 2014 and July 2015, seven of which were recorded as near misses between drones and piloted craft.

In one incident a drone passed within 25m (82ft) of a Boeing 777 near London Heathrow Airport.

A Government strategy on the use of drones due to be published later this year.

### Safety risk posed by drones

Anyone using a drone for commercial use is also required to seek permission from the CAA. To get a licence you will have to show that you are "sufficiently competent". If your drone weighs over 20kg then it is only legal to use it in certified "danger areas" such as Parc Aberporth aerodrome in West Wales.

While most of the CAA's enforcement efforts are focused on preventing people who are not properly licensed from using drones for commercial purposes, there have been cases where the **CAA has stepped in** and taken action, even when the person in question has been using the drone purely for domestic purposes.

Ms Annereau pointed to the **case of Robert Knowles**, a man from Barrow-in-Furness in Cumbria, who was convicted in 2014 for 'dangerous' use of a recreational drone after he lost control of the aircraft near a nuclear submarine facility.

Mr Knowles was fined £800 and ordered to pay costs of £3,500 at the Furness and District Magistrate court, after being prosecuted by the Civil Aviation Authority (CAA) for flying a drone within 50 metres of the Jubilee Bridge on the Walney Channel and flying over a nuclear installation, the BAE System submarine-testing facility.

"There is concern here that the use of these devices do pose a safety risk, and there have been incidents in the past year of **collisions with other aircraft** for example, and planes, involving these drones, so even if it's domestic use, the CAA will step in if they think it's being used in a dangerous or risky way," said Ms Annereau.

### Privacy risk posed by drones

She said that another thing to be wary of is using a drone to record images of other people without their consent, as this could be construed as a breach of the Data Protection Act, or of the **CCTV code of practice**, which was recently extended to include public use of drones where they are collecting information about individuals.

Although the Information Commissioner makes the distinction between 'hobbyists' and individuals or organisations who use drones for professional or commercial purposes, the CCTV code of practice states that "it will be good practice for domestic users to be aware of the potential privacy intrusion which the use of UAS can cause to make sure they're used in a responsible manner".

Ms Annereau **pointed to a case** at the Court of Justice of the European Union (CJEU) at the end of last year, which involved a Czech journalist called František Ryneš who had installed a CCTV camera outside his front door to protect his property. The camera recorded the entrance to his home, the public footpath and the entrance to the house opposite.

Footage from the camera was used to identify two possible suspects after the the windows of his home were broken in 2007, but one of the suspects complained that it had infringed Czech

data protection law. Mr Ryneš argued that that recording fell within the household exemption, but the CJEU upheld the complaint.

Although this case was specifically in relation to a CCTV camera, Ms Annereau claims that the impact of this decision is far wider.

"The Information Commissioner is certainly re-examining the guidance not just on CCTV but how this might also apply to drone technology or other ways in which camera technology is used to collect information that might go beyond that user's own private purposes," she said.

"I think users of the technology need to think carefully about whether or not they are potentially going to be recording images of other individuals, because if they are going to be filming other people in public spaces – for example not within the context of their own home – then they might be picking up obligations under UK data protection law."

People also need to think carefully about sharing images or recordings that have been captured using a drone on social media, as these can quickly go from being private to public. Many social networks including Facebook and Twitter state in their terms and conditions that they can **license user content** to other companies or organisations.

### Should you get drone insurance?

Ms Annereau suggested that there is an argument for drone owners to take out insurance, not only to protect the device from damage, but also to protect themselves in case they cause somebody some injury, their recording infringes on the privacy of an individual, or someone regards their use of that technology as a form of harassment.

"There are a whole host of considerations here. We've got the aviation law, we've got data protection, we've got privacy, we've got confidentiality and harassment. It's the aeronautical equivalent of a minefield," she said.

"The lines are becoming very blurred between when is something purely domestic and when does it stray into the commercial. It won't always be clear when that's the case."

### Making drone flights traceable

As mentioned, the rules governing use of drones are still evolving. The House of Lords EU Committee suggests that all commercial drone operators should register their drones on an online database or app in the near future, and that in the longer term this should encompass leisure users as well.

"Public understanding of how to use drones safely may not keep pace with people's appetite to fly them. It would just take one disastrous accident to destroy public confidence and set the whole industry back," said Committee Chairman Baroness O'Cathain last March.

"That is why a key recommendation is that drone flights must be traceable, effectively through an online database, which the general public could access via an app. We need to use technology creatively, not just to manage the skies, but to help police them as well."

Ms Annereau added that, as more and more people are given drones as gifts, there are likely to be many more cases of people using them in circumstances that present risks, or rub up against either civil aviation law or data protection, and the laws will be forced to adapt.

## Is it legal to fly my drone?

By Matt Sparkes

The answer, in short, is 'yes' - with some provisos. The CAA admits that the rules and regulations around drone use are “evolving”, but this is the state of play at the moment: drones are classified as “unmanned aircraft”, and the CAA is keen to point out that they are most certainly a type of aircraft and “not toys”.

If your drone weighs over 20kg then you're out of luck - it's only legal to use it in certified “danger areas” such as Parc Aberporth aerodrome in West Wales.

Even those using a drone weighing less than 20kg for commercial use – receiving payment of any sort – are required to seek permission from the CAA. To get permission you will have to show that you are “sufficiently competent”. This is less clear-cut than manned aircraft, which has a well-established licensing procedure.

If your drone is under 20kg and you're not using it for commercial reasons, then you still have some rules to follow. Anyone filming with a drone for their own purposes must avoid flying it within 150 metres of a congested area and 50 metres of a person, vessel, vehicle or structure not under the control of the pilot. You will also need to fly the aircraft within sight. This means you can't go above 400ft in altitude or further than 500 metres horizontally. If you want to exceed that, you'll again need to seek explicit permission from the CAA.