

The UK laws model aircraft & drone pilots need to know

Where a drone is used for sporting and recreational purposes, including recreational (non-commercial) aerial photography and videography they are considered to be model aircraft, the law makes no specific distinction on types of aircraft, other than weight limits, and all model aircraft operators should read and understand the guidance contained in the CAA publication CAP-658. ([Click here to read-CAP 658](#))

Before flying a drone or any radio controlled aircraft, you should make sure you've read the latest legal requirements.

The overriding consideration is compliance with the relevant articles of the Civil Aviation, Air Navigation Order; the primary "endangering" provisions are addressed by Articles 138 and 137 which are reproduced below:

Article 138;

"A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property"

Article 137;

'A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft'

THESE APPLY TO ALL MODEL AIRCRAFT AT ALL TIMES, WHATEVER THEIR WEIGHT OR SIZE.

Article 166 (set out below) covers the general principles that again apply to all model aircraft.

Article 166, (Small Unmanned Aircraft)

(1) A person must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge 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.

N.B. The CAA issues an exemption to Article 166 (3) for First Person View (FPV) operation. [See here for details.](#)

(4) The person in charge of a small unmanned aircraft which has a mass of more than 7 kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft:

- **(a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;**
- **(b) within an aerodrome traffic zone during the notified hours of watch of**

the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained;

- or (c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the CAA.

Perhaps the most relevant provisions in terms of photography/filming with model aircraft as a sport and recreational activity are covered within Article 167 below, which sets out the basic conditions of operation as well as specifying exact distances.

Article 167, (Small unmanned surveillance aircraft)

(1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the CAA.

(2) The circumstances referred to in paragraph (1) are:-

- (a) over or within 150 metres of any congested area;
- (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
- (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
- (d) subject to paragraphs (3) and (4), within 50 metres of any person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.

(4) Paragraphs (2) (d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this article 'a small unmanned surveillance aircraft' means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Please note that the collection of images of identifiable individuals, even inadvertently, when using a camera mounted on a drone will be subject to the Data Protection Act. This act contains requirements concerning the collection, storage and use of such images. Drone operators should ensure they are complying with any applicable requirements or exemptions. Further information about the Data Protection Act can be obtained from the Information Commissioners Office website: www.ico.org.uk.

THE PRACTICAL APPLICATION

As ever a little common sense goes a long way towards interpreting and complying with the relevant legal requirements.

The primary aim of the various Air Navigation Order provisions is to prevent members of the public being endangered and full size aviation being endangered, to a lesser degree these provisions also help to limit the potential

for causing nuisance and for invading privacy.

In terms of filming or image capturing this limits how close we can get to people and structures that are nothing to do with us (i.e. not under the control of the pilot), however the positive aspect is that the wording of 167(c) permits closer operations where it is with the consent and knowledge of all parties involved (notwithstanding the primary endangering considerations of course).

AERIAL WORK OR SPORT AND RECREATION?

Another primary consideration is the purpose of the flight, the flying of a model aircraft with a camera on board is recognised as a sport and recreational activity by the CAA and therefore covered under the terms of the insurance provided as part of the BMFA membership package (provided that the activity is legal in respect of the Air Navigation Order).

However, where a flight is made for payment or the purpose is in any way commercial i.e. not as a sport and recreational activity, then it becomes classed as aerial work by the CAA and requires an exemption to the Air Navigation Order to be issued in order to take place lawfully.

Details of aerial work and exemption application information can be obtained through the CAA website www.caa.co.uk

It should be borne in mind that “aerial work” is an entirely separate activity to model flying, and as such it must be insured under the terms of an appropriate commercial policy, the standard policy provided to BMFA members does not provide cover for aerial photography on a commercial basis.

FLYING LOCATIONS

We receive regular queries regarding appropriate flying locations for multirotor aircraft.

Whilst the overall considerations are the same as for any other model aircraft, there is no doubt that multirotors open up new areas for flying due to their ability to operate in relatively small spaces, this does however mean that careful consideration is required before flying in order to remain lawful.

If intending to fly on private land then the permission of the landowner should be sought, if flying on public land such as a park or open access site then you must ensure that there are no bylaws in place specifically prohibiting or restricting model flying.

The other main consideration is the overall suitability of the location for the activity, and that all flying can take place in compliance with the primary “endangering” provisions of the ANO (Articles 137 and 138) and also in accordance with the distances set out in Article 167 above.

IN SUMMARY

- Be familiar with the legal requirements relating to your chosen activity.
- Do not endanger person or property.
- Ensure that the proposed flying location is appropriate and safe.
- Maintain line of site for the purposes of control at all times (see CAA Exemption for specific details of FPV flight permissions).
- Charging for flights renders the activity Aerial Work.

- Do not constitute a nuisance.
- Do not invade privacy.
- Ensure that appropriate liability insurance cover is in place to protect you in the event of an incident leading to a claim against you.