

BUYING A SMALL UNMANNED AIRCRAFT OR SMALL UNMANNED SURVEILLANCE AIRCRAFT, (MORE COMMONLY KNOWN AS DRONES), KNOW THE LIMITATIONS FOR FLYING IN GIBRALTAR

Frequently Asked Questions:

- What is the correct terminology to use for these aircraft?

In Gibraltar Legislation the following terms are used:

Small Unmanned Aircraft (SUA)

Small Unmanned Surveillance Aircraft (SUSA) - i.e. an SUA with a camera attached.

These terms have superseded the earlier terminology of Unmanned Aerial Vehicle (UAV).

However, these aircraft are more commonly known by the public as “drones” and throughout this document the term “drone” is used to describe a Small Unmanned Aircraft with a camera attached.

- What is the definition of a drone?

For legal purposes a drone is defined as a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.

Similarly, a small unmanned aircraft is defined as any unmanned aircraft, other than a balloon or kite, having a mass of not more than 25kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of the flight;

- Is it illegal to buy a drone for use in Gibraltar?

No it is not illegal to buy a drone for use in Gibraltar, but because of the vicinity of the Airport and the highly congested nature of the area in which we live, there are very strict limitations on their use.

- Are there any limitations for buying a drone to use indoors?

From a legislation perspective there are no limitations on the use of a drone indoors.

- Why have limitations been imposed on the use of drones in Gibraltar?

Normally in other parts of the world, these type of aircraft (model aircraft, helicopters and drones) can be flown for pleasure from private land, with the land owner's permission and in locations well away from congested areas. There are however, safety distances that need to be observed and due to the congested nature of Gibraltar these safety distance cannot be met, therefore limitations have had to be imposed on the use of these aircraft.

- What limitations have been imposed?

To ensure the safety of the general public and those flying in aircraft from the Airport, persons wishing to fly a drone for private use need to fulfil the same requirements as those wishing to use similar equipment for commercial purposes.

- ***What are the requirements that need to be met to obtain permission to fly a drone outdoors in Gibraltar?***

To fly a drone in Gibraltar you will need to provide the following information to the Director of Civil Aviation:

- Proof of insurance for the UAV, which provides cover for the activity to be undertaken;
- For persons wishing to fly outside of the coastal flight areas where flights are restricted to remaining over the sea, proof of the pilot's competence to operate the equipment safely, such as a BNUC-S or RPQ pilot accreditation, or similar, will be acceptable:
- A map showing the planned route to be flown, together with a safety case demonstrating that consideration has been given to the safety risks of operating the drone in the areas chosen.

- ***Where can I find out who can deliver acceptable pilot accreditation courses?***

There are a number of courses approved by the UK and Spanish authorities to prove pilot competence and these would be acceptable – details can be found on the UK CAA and Spanish AESA websites.

- ***What legislation applies to the flying of Drones?***

Any route planned in Gibraltar would have to take into consideration the Gibraltar legislation on the subject, which is covered in the Civil Aviation (Air Navigation) Regulations 2009.

Summaries of the pertinent Articles are provided below;

Regulation 33, states that “Any person operating an aircraft shall not recklessly or negligently cause or permit an aircraft to endanger any person or property” and this applies equally to manned and unmanned aircraft.

- **Regulations 51** entitled “Small unmanned aircraft” amongst other limitations states the person in charge of the aircraft must:
 - Consider all the safety risks involved in the flight.
 - Keep the drone within sight at all times.
 - Have the permission of ATC at Gibraltar Airport to fly.
 - Not fly the drone higher than 400ft above ground level.
- **Regulation 51A** entitled “Small unmanned surveillance aircraft” (i.e. a drone with a camera attached) amongst other limitations states the person in charge of the aircraft must not fly the aircraft without the Director of Civil Aviation's permission if flying:
 - Over or within 150m of a congested area or an open air assembly of more than 1,000 persons;
 - Within 50m of any vessel, vehicle or structure not under the control of the person in charge of the aircraft;

- Within 50m of any person, although this can be reduced to 30m when taking-off or landing. This limitation does not apply to the person in charge of the aircraft or any assistants under their control.

- ***Are drones covered by the Data Protection Act 2004?***

If a drone has a camera, its use has the potential to be covered by the DPA. In particular, recognisable images captured by a small unmanned surveillance aircraft are personal data and are subject to the provisions of the DPA.

- ***From a Data Protection perspective is it OK to use drones with cameras?***

If you are using a drone with a camera, there could be a privacy risk to other people. Follow the tips below to help ensure you respect people's privacy when using your drone.

- ***What tips should I follow to avoid problems with the Data Protection Act?***

- **Let people know before you start recording.** In some scenarios this is going to be quite easy because you will know everyone within close view (for example, if you are taking a group photo at a family barbeque). In other scenarios, for example at the beach or the park, this is going to be much more difficult so you'll need to apply some common sense before you start.
- **Consider your surroundings.** If you are recording images beyond your home, a drone may intrude on the privacy of others where they expect their privacy to be respected (such as in their back garden). It is unlikely that you would want a drone to be hovering outside your window so be considerate to others and don't hover outside theirs.
- **Get to know your camera first.** It is a good idea to get to know the capability of your camera in a controlled situation to understand how it works. What is the quality of the image? How powerful is the zoom? Can you control when it starts and stops recording? Drone cameras are capable of taking unusual and creative pictures from original vantage points. Knowing the capabilities of your camera will help you to reduce the risk of privacy intrusion.
- **Plan your flight.** Your drone's battery life is likely to be short. By understanding its capabilities you will be able to make best use of its flight and it will be easier to plan how to avoid invading the privacy of other people. For example, it may be more privacy-friendly to launch from a different location rather than flying close to other people or their property.
- **Keep you and your drone in view.** If you are clearly visible, say by wearing a high visibility vest, then it will be easier for members of the public to know that you are the person responsible for the drone.
- **Think before sharing.** Once your drone has landed, think carefully about who's going to be looking at the images, particularly if you're thinking about posting them on social media. Avoid sharing images that could have unfair or harmful consequences. Apply the same common sense approach that you would with images or video recorded by a smartphone or digital camera.

- **Keep the images safe.** The images you have taken may be saved on an SD card or USB drive attached to the drone or the camera. If they are not necessary, then don't keep them. If you do want to keep them, then make sure they are kept in a safe place.

Should you need further information on any of the issues raised above then please contact either:

The Director of Civil Aviation – dca@gibraltar.gov.gi

The Office of Fair Trading - oft@gibraltar.gov.gi

The Gibraltar Regulatory Authority – info@gra.gi