**Flying Drones**

**Resources**

* [The Drone Code](https://register-drones.caa.co.uk/drone-code)
* [Labelling your drone or model aircraft](https://register-drones.caa.co.uk/labelling-your-drone-or-model-aircraft)
* [Dronesafe website](http://www.dronesafe.uk/restrictions)

[**The Drone Code**](https://register-drones.caa.co.uk/drone-code) **Overview**

Regardless of whether you wish to fly a drone in Gibraltar for commercial or leisure purposes, you must have two registrations in place before you fly a drone that weighs between 250g to 20kg:

* all personnel who will fly a drone must prove their pilot competence to the DCA by passing an accreditation course for commercial drone operations that is recognised by the Civil Aviation Authority of the country in which the course is held. Once proven the DCA will issue a flyer ID
* the person that’s responsible for the drone must register to get an operator ID

**It is against the law to fly without the pilot having a flyer ID and the drone being registered by an Operator.**

**In addition, all drone flights undertaken in Gibraltar require an aerial work permit issued by the DCA**

**Drone rules and regulations**

You must follow the rules and regulations for flying small unmanned aircraft. [The Drone Code](https://register-drones.caa.co.uk/drone-code) produced by the UK CAA gives good guidance on flying safely and legally. However, the information regarding the UK legislation and how to obtain a Flyer ID and Operator ID are superseded by the information provided on this webpage.

**Drones under 250 g and drones for indoor use**

You do not need to obtain a Flyer ID or an Operator ID if your drone or model aircraft weighs less than 250g, or you will only fly the drone indoors or in a securely netted area.

However, all drones flown outdoors must still follow the rules and regulations. **Importantly prior to flying outdoors a drone operator using a drone weighing less than 250g must obtain an Aerial Work Permit from the DCA, which will require evidence of appropriate insurance**.

**How to obtain a Flyer ID**

To obtain a Flyer ID the following documents must be provided to the DCA;

* Copy of ID Card or Passport;
* Evidence of pilot competency - by means of providing a copy of the certificate presented on the successful completion of a drone course for commercial operators, which is recognised by the CAA of the country in which the course takes place.
* Copy of pilots log book containing details of at least the last six months flying activity.

Upon production of these documents, the DCA will issue a Flyer ID.

A Flyer ID will be valid for 3 years.

**Responsibilities of the Remote Pilot of the drone**

The remote pilot is responsible for executing the flight safely within the management framework determined by the operator.

**How to obtain an Operator ID**

The person or organisation that’s responsible for a drone or model aircraft must register to get an operator ID

You must be over 18 to obtain an operator ID

The law says that the person or organisation that ‘has the management of’ a drone is its operator. This will usually be the person or organisation that owns the drone.

To obtain an Operator ID the following documents must be provided to the DCA;

* Information on the Drone to be flown;
* Proof of Insurance;
* Operations Manual for the Drone or Drones to be flown;

Upon production of these documents, the DCA will issue an Operator ID.

An Operator ID will be valid for a maximum of 12 months or until the certificate of insurance lapses. The documents required for renewal purposes are the same as for initial issue.

You must label your operator ID on every drone you are responsible for.

**Labelling your drone**

If you are responsible for a drone, you must [label it with your operator ID](https://register-drones.caa.co.uk/labelling-your-drone-or-model-aircraft).

**Responsibilities of the Operator of the drone**

The operator of an unmanned aircraft is the person or legal entity who has control over that aircraft and who organises how that aircraft is or may be used.  An unmanned aircraft operator has legal accountability for the safe “management” of the aircraft (Regulation 33 of the Civil Aviation (Air Navigation) Regulations 2009). This includes flights that are being undertaken by another person i.e. a remote pilot.

Being responsible for the management of an unmanned aircraft means that the operator must take reasonable, proportionate and common- sense steps to manage the risks associated with any flight by that aircraft.  The following are some of the basic steps that all operators can take: to manage unmanned aircraft responsibly:

* Read the instruction manual carefully;
* Obtain an Operator ID and display the Operator ID on the aircraft;
* Look after the aircraft, so that it is in safe working condition to fly;
* Insure the aircraft;
* Decide carefully when and where the aircraft will be flown;
* Decide carefully who may fly the aircraft;
* Ensure the remote pilot has a Flyer ID;
* Plan any aircraft flight carefully to minimise risk and reduce the chance of something going wrong;

There are a wide range of circumstances in which an unmanned aircraft flight can take place. As there are so many different circumstances it is impossible to provide a complete list of reasonable, proportionate and common sense steps that will manage the risks for every type of flight scenario.

The operator is responsible for being properly informed and deciding the necessary level of preparation, training, planning and oversight for the conditions and circumstances of the flight.

However, in general terms:

* At all times, the operator will be responsible for being aware of and complying with the law relating to safe aircraft operations
* At all times, the operator will be responsible for ensuring that anyone flying under their operator number is sufficiently competent to undertake the operation safely and has planned and will carry out their flight(s) accordingly;
* The more complex or risky a proposed operation is the more extensive and detailed the planning and oversight of the proposed operations should be;
* All operators will apply the appropriate level of experience, skills and resources to manage safety risks effectively.  The more complex the operation and level of safety risk, the higher the level of resource that should be devoted to operator responsibilities;

An unmanned aircraft operator's responsibilities cover not only their own flights (where they are also the remote pilot), but also the flights that another person - the remote pilot - makes with that operator's aircraft.

**Gibraltar Drone Regulations**

A number of Regulations within the Civil Aviation (Air Navigation) Regulations 2009 apply to drones.

Regulation 33, which applies to all aircraft weight categories, states that

“*Any person operating an aircraft shall not recklessly or negligently cause or permit an aircraft to endanger any person or property*”.

If the DCA believes that danger may be caused, then Regulation 98 permits the DCA to direct the operator of the aircraft that the aircraft shall not be flown.

*Small unmanned aircraft requirements.*

*51.(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.*

1. *The remote pilot of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.*
2. *The 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 collision.*
3. *The SUA operator or the remote pilot of a small unmanned aircraft must not fly the aircraft in Gibraltar except in accordance with a permission granted by the Director.*

*Small unmanned aircraft: registration as an SUA operator.*

*51ZA.(1) Subject to the following provisions of this regulation, the Director must issue a certificate of registration as an SUA operator to a person, or renew that person’s certificate of registration as an SUA operator, if the person–*

* 1. *has applied to the Director, in such manner as the Director may require, to be registered as an SUA operator;*
  2. *has supplied such information and evidence as the Director may require;*
  3. *has, in the case of an individual, attained the age (if any) that is prescribed by the Minister by Notice in the Gazette; and*
  4. *has paid the fee (if any) that is prescribed by the Minister by Notice in the Gazette.*

1. *Subject to paragraph (3), a certificate of registration may relate–*
   1. *to a particular description of small unmanned aircraft;*
   2. *to a particular description of flights by small unmanned aircraft.*
2. *No certificate of registration is to be issued in relation to–*
   1. *small unmanned aircraft with a mass of less than 250 grams without their fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of their flight; or*
   2. *flights by small unmanned aircraft of that description.*
3. *A certificate of registration issued, or renewed, under this article is valid for the period shown on the certificate, subject to–*
   1. *Regulation 46; or*
   2. *the SUA operator notifying the Director, in such manner as the Director may require, that the SUA operator surrenders the certificate.*
4. *The Director is not required to accept applications for certificates of registration under this regulation before 1st January 2020.*

*Small unmanned aircraft: requirement for registration as SUA operator.*

*51ZB.(1) This article applies to a flight by a small unmanned aircraft only if it has a mass of 250 grams or more without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight.*

1. *The SUA operator must not cause or permit the small unmanned aircraft to be flown unless–*
   1. *the Director has issued the SUA operator with a certificate of registration which is valid for that flight at the time of the flight; and*
   2. *the SUA operator’s registration number is displayed on the aircraft in the manner (if any) that is prescribed by the Minister by Notice in the Gazette.*
2. *The remote pilot of the small unmanned aircraft must not fly it unless the remote pilot has reasonably formed the view that the SUA operator complies with the requirements in paragraph (2) in relation to that flight.*
3. *In this regulation–*

*“certificate of registration” means a certificate issued under 51ZA;*

*“registration number” means the ten digit registration number assigned by the Director in relation to an SUA operator’s registration under article 51ZA.*

*Small unmanned aircraft: competency of remote pilots.*

*51ZC.(1) Subject to the following provisions of this article, the Director must issue an acknowledgement of competency to an individual, or renew that individual’s acknowledgement of competency, if the individual–*

* 1. *has applied to the Director, in such manner as the Director may require, for an acknowledgement of competency;*
  2. *has supplied such information and evidence as the Director may require;*
  3. *has undertaken such training as the Director may require; and*

*(d) has undergone such tests as the Director may require.*

1. *That training or those tests may relate to matters which include–*
   1. *the practical operation of small unmanned aircraft;*
   2. *matters connected with the operation of small unmanned aircraft (such as respect for privacy, data protection, safety, security and environmental protection).*
2. *Subject to paragraph (4), an acknowledgement of competency may relate–*
   1. *to a particular description of small unmanned aircraft;*
   2. *to a particular description of flights by small unmanned aircraft.*
3. *No acknowledgement of competency is to be issued in relation to–*
   1. *small unmanned aircraft with a mass of less than 250 grams without their fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of their flight; or*
   2. *flights by small unmanned aircraft of that description.*
4. *An acknowledgement of competency issued, or renewed, under this article is valid for the period shown on the acknowledgement, subject to Regulation 46.*
5. *The Director may issue an acknowledgement of competency subject to such conditions as it deems appropriate.*
6. *The Director is not required to accept applications for acknowledgements of competency under this regulation before 1st January 2020.*

*Small unmanned aircraft: requirement for acknowledgement of competency.*

*51ZD.(1) This article applies to a flight by a small unmanned aircraft only if it has a mass of 250 grams or more without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight.*

1. *The remote pilot of the small unmanned aircraft must not fly it unless the Director has issued the remote pilot with an acknowledgement of competency which is valid for that flight at the time of the flight.*
2. *The SUA operator must not cause or permit the small unmanned aircraft to be flown unless the SUA operator has reasonably formed the view that the remote pilot of the aircraft complies with the requirements in paragraph (2) in relation to that flight.*
3. *In this article “acknowledgement of competency” means an acknowledgement issued under article 51ZC.*

*Small unmanned surveillance aircraft.*

*51A. (1) The SUA operator must not cause or permit a small unmanned surveillance aircraft to be flown in any of the circumstances described in sub-regulation (2), and the remote pilot of a small unmanned surveillance aircraft must not fly in any of those circumstances, except in accordance with a permission granted by the Director*

1. *The circumstances referred to in sub-regulation (1) are–*
   1. *over or within 150 metres of any congested area;*
   2. *over or within 150 metres of any organised open- air assembly of more than 1,000 persons;*
   3. *within 50 metres of any vessel, vehicle or structure which is not under the control of the SUA operator or the remote pilot of the aircraft; or*
   4. *subject to sub-regulations (3) and (4), within 50 metres of any person.*
2. *Subject to sub-regulation (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of any person.*
3. *Sub-regulations (2)(d) and (3) do not apply to the remote pilot of the small unmanned surveillance aircraft or a person under the control of the remote pilot of the aircraft.*
4. *In this regulation a small unmanned surveillance aircraft means a small unmanned aircraft which is equipped to undertake any form of surveillance or data acquisition.*

**Reporting Misuse of Drones**

If you have any concerns about unmanned aircraft being used in your area, either from a safety or privacy perspective, contact the Royal Gibraltar Police.

All drone flying in Gibraltar requires the issuance of an Aerial Work Permit. Such flights are usually restricted to flight distances no closer than 50m from people, vehicles and structures that are not ‘under the control’ of the pilot.

These restrictions mean that the use of an unmanned aircraft in built up areas is limited and often not suitable or legal unless the operator has received the appropriate permission from the DCA.

The Royal Gibraltar Police will respond to reports unmanned aircraft misuse incidents, particularly at public events, that may contravene aviation safety legislation or other relevant criminal legislation.

The CAA’s remit is limited to safety and does not include concerns over privacy or broadcast rights.

Privacy issues are covered by the Gibraltar Regulatory Authority and will not be dealt with by the CAA.