

Ordinance 31 of 2020

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**AIR NAVIGATION (UNMANNED AIRCRAFT)
ORDINANCE 2020**

An Ordinance to provide for requirements applying to unmanned aircraft, and for enforcement measures concerning them.

R. Thomson.
ADMINISTRATOR

16 September 2020

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title

1. This Ordinance may be cited as the Air Navigation (Unmanned Aircraft) Ordinance 2020.

Commencement

- 2.—(1) Except for section 10, this Ordinance comes into force on 19 September 2020
(2) Section 10 comes into force on the date appointed by the Chief Officer by way of a public instrument.

Interpretation

3.—(1) In this Ordinance—

“Competent Authority” has the same meaning as in the Republic’s Order;

“the Republic’s Order” means the Civil Aviation (Conditions for Flights performed by Unmanned Aerial Vehicles in the Republic of Cyprus) Order 2015 of the Republic(a), as amended or replaced from time to time;

“the open category” means the class of unmanned aircraft that—

- (a) have a mass of not more than 3 kilograms, including their fuel and any article or equipment installed in or attached to the aircraft at the commencement of its flight,
- (b) are not, for the time being, being flown higher than at height of 50 metres, and
- (c) are not, for the time being, being flown for aerial work, except when that aerial work is carried out on behalf of a charity (whether based in the Areas or elsewhere);

“the Order” means the Air Navigation (Overseas Territories) Order 2013(b);

“the special category” means the class of unmanned aircraft that are not of the open category;

“unmanned aircraft” means any unmanned aircraft other than a balloon or a kite.

(2) In this Ordinance, a reference to the height at which an aircraft is flown is a reference to that height as measured from the ground or water above which the aircraft is flying.

(3) Expressions used both in this Ordinance and the Order have the same meaning in this Ordinance as in the Order, except where otherwise expressly provided.

(4) In this Ordinance, references to the Order are references to the Order as amended from time to time.

(5) For the purposes of this Ordinance, where the Competent Authority, in relation to the territory of the Republic, issues a permit or licence, or imposes a condition in relation to such a permit or licence, that permit, licence or condition is deemed to have been issued in relation to the territory of the Areas too.

Application

4.—(1) Subject to this section, this Ordinance applies to unmanned aircraft having a mass of not more than 150 kilograms, including their fuel and any article or equipment installed in or attached to the aircraft at the commencement of its flight.

(2) This Ordinance does not apply to the flying of unmanned aircraft by the Crown or by visiting forces.

(3) This Ordinance does not apply to the flying of an unmanned aircraft in an area designated by the Chief Officer as a site to be used specifically for the practice of flying unmanned aircraft.

Registration of unmanned aircraft

5. An unmanned aircraft may only be flown if it is registered under article 4 of the Republic’s Order.

Restricted zones

6.—(1) An unmanned aircraft may only be flown over the land described in the Schedule if—

- (a) the Area Officer gives permission, and
- (b) any condition imposed by the Area Officer in relation to such permission is complied with.

(a) Public Instrument 402/2015 (Republic of Cyprus).

(b) S.I. 2013/2870 (United Kingdom).

(2) In exercising the powers conferred by paragraph (1), the Area Officer must have regard to any policy determined and published by the Administrator concerning the flying of unmanned aircraft.

Flying of unmanned aircraft of the open category

7.—(1) Unmanned aircraft of the open category may only be flown if all of the following conditions are complied with—

- (a) the person in charge of the aircraft is no more than 500 metres from it;
- (b) the aircraft is used for one or more of the following purposes—
 - (i) recreational purposes;
 - (ii) sports, including racing between aircraft;
 - (iii) display of the aircraft for the purposes of entertainment;
 - (iv) the training of a person in the operation of unmanned aircraft;
- (c) the aircraft is being flown between sunrise and sunset;
- (d) no article or animal is dropped from the aircraft;
- (e) the person in charge of the aircraft is not under the influence of alcohol or any other intoxicant;
- (f) the person in charge of the aircraft is not in charge of another aircraft;
- (g) the aircraft is not within 1 kilometre of a congested area;
- (h) the aircraft is not within 500 metres of any vessel, vehicle, structure or animal which is not under the control of the person in charge of the aircraft, unless the person under whose control it is consents to the presence of the aircraft;
- (i) the aircraft is not within 500 metres of any person, unless that person consents to the presence of the aircraft or is involved in an activity connected to the flying of the aircraft;
- (j) the aircraft has been built by professionally competent persons, and has not been modified otherwise than by professionally competent persons, unless—
 - (i) the Chief Officer gives permission, and
 - (ii) any condition imposed by the Chief Officer in relation to such permission is complied with.

(2) Where the operation of an unmanned aircraft of the open category has caused personal injury requiring hospitalisation, or death, the person in charge of the aircraft must report this to the Chief Officer.

Flying of unmanned aircraft of the special category

8.—(1) Unmanned aircraft of the special category may not be flown at a height higher than 120 metres, unless—

- (i) the Chief Officer gives permission, and
- (ii) any condition imposed by the Chief Officer in relation to such permission is complied with.

(2) Unmanned aircraft of the special category may only be flown in accordance with a permit issued by the Competent Authority under article 7(2) of the Republic's Order, and any conditions imposed by the Competent Authority in relation to such a permit.

(3) A person may only fly an unmanned aircraft of the special category in accordance with a licence issued to them by the Competent Authority under article 7(2) of the Republic's Order, and any conditions imposed by the Competent Authority in relation to such a licence.

Enforcement

9.—(1) Where a police officer has reasonable grounds for suspecting that an unmanned aircraft is being flown in breach of—

- (a) the Order or anything made under it, or
- (b) this Ordinance or anything made under it,

the officer has the power to use reasonable force to prevent or stop the aircraft from being flown.

(2) No person may intentionally obstruct a police officer in the exercise of the functions conferred by subsection (1).

(3) Article 185 of the Order applies to a contravention of this Ordinance, other than a contravention of subsection (2), as it applies to a contravention of a provision of the Order listed in Part A of its Schedule 5.

(4) Article 185 of the Order applies to a contravention of subsection (2) as it applies to a contravention of a provision of the Order listed in Part B of its Schedule 5.

Delegation

10.—(1) The functions of the Chief Officer under sections 7(1)(j) (permission to fly an aircraft not professionally built or modified), 7(2) (report of accidents to the Chief Officer) and 8(1) (permission to fly at a height greater than 120 metres) are general delegated functions under the Delegation of Functions to the Republic Ordinance 2007(a).

(2) The functions of the Chief Officer under section 4(3) (designation of sites for unmanned aircraft practice) are qualified delegated functions under that Ordinance.

(a) Ordinance 17/2007, amended by Ordinance 8/2012.

SCHEDULE
Restricted zones

section 6(1)

Introduction

1. The land over which the flying of an unmanned aircraft is subject to permission under section 6(1) is described in the following paragraphs of this Schedule.

Sovereign Base Area of Akrotiri

Around Akrotiri airfield

2. 8 kilometres from the point with position latitude 34° 35.29'N, longitude 32° 58.56'E.

Around Flagstaff House

3. 3 kilometres from the point with position latitude 34° 39.89'N, longitude 32°48.66'E.

Around Episkopi strip

4. 3 kilometres from the point with position latitude 34°41.02'N, longitude 32°50.82'E.

Around Bloodhound Camp

5. 3 kilometres from the point with position latitude 34°39.87'N, longitude 32°46.95'E.

Around Radio Sonde

6. 3 kilometres from the point with position latitude 34°40.60'N, longitude 32°48.66'E.

Sovereign Base Area of Dhekelia

Around Kingsfield aerodrome

7. 8 kilometres from the point with position latitude 35°00.71'N, longitude 33°42.79'E.

Around Alexander Barracks

8. 3 kilometres from the point with position latitude 34°58.83'N, longitude 33°43.23'E.

Around BFC Medical Centre

9. 3 kilometres from the point with position latitude 35°00.03'N, longitude 33°43.68'E.

Around Pyla Range

10. 3 kilometres from the point with position latitude 34°57.59'N, longitude 33°50.33'E.

Around Ayios Nikolaos

11. 3 kilometres from the point with position latitude 35°05.34'N, longitude 33°53.24'E.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

1. This explanatory note relates to the Air Navigation (Unmanned Aircraft) Ordinance 2020 (the Ordinance). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Notice. It does not form part of the Ordinance.

2. Section 4 provides for the scope of the application of the Ordinance. It applies to unmanned aircraft (not including balloons or kites: see section 3(1)) having a mass of not more than 150 kilograms, including their fuel and any article or equipment installed in or attached to the aircraft at the commencement of its flight. It does not apply to the flying of unmanned aircraft by the Crown or visiting forces. Nor does it apply to the flying of aircraft on sites designated by the Chief Officer for the practice of flying unmanned aircraft.

3. Under section 5, unmanned aircraft can only be flown if they are registered under the Civil Aviation (Conditions for Flights performed by Unmanned Aerial Vehicles in the Republic of Cyprus) Order 2015 of the Republic, as amended or replaced from time to time (the Republic's Order).

4. Section 6 requires the Area Officer's permission for the flying of unmanned aircraft in certain areas, defined in the Schedule.

5. Section 7 makes provision regarding the flying of small unmanned aircraft of the "open category". These are defined by section 3(1) as small unmanned aircraft that have a mass of not more than 3 kilograms, are not, for the time being, being flown higher than at height of 50 metres, and are not, for the time being, being flown for aerial work, except when that aerial work is carried out on behalf of a charity (whether based in the Areas or elsewhere). "Aerial work" is defined in article 126 of the Air Navigation (Overseas Territories) Order 2013 (the Order), as any purpose, other than commercial air transport, for which an aircraft is flown if valuable consideration, not including the remuneration of the pilot, is given for the flight or the purpose of the flight. By virtue of section 3(3), the definitions of the Order apply to the Ordinance.

6. Section 8 makes provision regarding the flying of unmanned aircraft of the "special category". These are defined by section 3(1) as unmanned aircraft that are not of the open category. In particular, the person flying the aircraft must hold a licence under the Republic's Order, and a permit must have been issued under the Republic's Order by the Republic's Competent Authority in respect of the aircraft.

7. Section 9 makes provisions regarding the enforcement of the Ordinance. In particular, police officers have the right to use reasonable force to stop or prevent an unmanned aircraft from flying if they suspect that they are flown in breach of the Ordinance. The section also makes provision regarding criminal penalties for breach of its provisions. These are based on those in the Order.

8. Section 10 provides for the functions of the Chief Officer under sections 4(3) (designation of sites for unmanned aircraft practice), 7(1)(j) (permission to fly an aircraft not professionally built or modified) and 7(2) (report of accidents to the Chief Officer) and 8(1) (permission to fly at a height greater than 120 metres) to be delegated to the Republic under the Delegation of Functions to the Republic Ordinance 2007.

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