

Scope of this guidance

1. This Guidance summarises the regulatory requirements applying to unmanned aircrafts of less than 150kg, other than balloons or kites.

Applicable legislation

2. The main legislation applying to unmanned aircraft is:
 - a. The Air Navigation (Overseas Territories) Order 2013, SI 2013/2870 (the Order);
 - b. The air Navigation (Unmanned Aircrafts) Ordinance 2020¹ (the Ordinance).
 - c. The Unmanned Aircraft Permissions 2020 (the Permissions).
 - d. The Air Navigation (Akrotiri Restrictions) Regulations 2009² (the Akrotiri Restrictions).

Restricted zones

3. The Ordinance prevents the flying of any unmanned aircraft in the areas listed in its Schedule, unless permission is given by the Area Officer. In granting such permission, the Area Officer must have regard to policy published by the Administrator (see section 6). The Akrotiri Restrictions prohibit the flying of aircraft in the Akrotiri restricted flying area without the permission of the station commander of RAF Akrotiri.

Registration of unmanned aircraft

4. Unmanned aircrafts may only be flown if they are registered under article 4 of the Civil Aviation (Conditions for Flights performed by Unmanned Aerial Vehicles in the Republic of Cyprus) Order 2015 of the Republic of Cyprus, P.I. 402/2015 ("the Republic's Order"): see section 5 of the Ordinance.

Categories of unmanned aircraft

5. Unmanned aircrafts are divided into two categories: the Open Category, and the Special category.
6. The "Open Category" means (see section 3(1) of the Ordinance) the class of unmanned aircrafts 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, flown higher than at an altitude 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 in the Republic).
7. Other unmanned aircrafts are in the "Special Category" (see section 3(1) of the Ordinance).

¹ Ordinance 31/2020

² P.I. 3/2009, published in Supplement 2A to Gazette No. 1555 of 2nd November 2009.

The Open category

8. Under the Order and the Ordinance, unmanned aircrafts in the open category can only be flown if they comply with the following conditions:
 - a. The person in charge must maintain sufficient visual contact (see article 73(3) of the Order, which in this respect imposes requirements similar to those of article 6(3)(i) of the Republic's Order);
 - b. The person in charge must be no more than 500 metres from the aircraft (see section 7(1)(a) of the Ordinance, similar in this respect to article 6(3)(i) of the Republic's Order).
 - c. The person in charge of the aircraft must be satisfied that the flight can safely be made. No person may negligently or recklessly permit an aircraft to endanger any person or property (see articles 73(2) and 177 of the Order, which in this respect impose requirements similar to those of article 6(3)(i), (iv) and (xii) of the Republic's Order).
 - d. The aircraft must be used only for the following purposes-
 - i. recreational purposes;
 - ii. sports, including racing between aircrafts;
 - iii. display of the aircraft for the purposes of entertainment; and
 - iv. the training of any person in the operation of unmanned aircrafts.(see section 7(1)(b) of the Ordinance, similar in this respect to article 6(3)(ii) of the Republic's Order).
 - e. The aircraft must only be flown between sunrise and sunset (see section 7(1)(c) of the Ordinance, similar in this respect to article 6(3)(iv) of the Republic's Order).
 - f. The person in charge of the aircraft must not cause or permit any article or animal, whether or not attached to a parachute, to be dropped from the aircraft (see section 7(1)(d) of the Ordinance, similar in this respect to article 6(v) of the Republic's Order; in addition, article 74(1)).
 - g. The person in charge of the aircraft must not be under the influence of alcohol or a drug (see article 7(1)(e) of the Ordinance, similar in this respect to article 6(vi) of the Republic's Order);
 - h. The person in charge of the aircraft must not be in charge of another aircraft (see section 7(1)(f) of the Ordinance, similar in this respect to article 6(vii) of the Republic's Order).
 - i. the aircraft must not be within 1 kilometre of a congested, i.e. densely populated (see article 5(1) of the Order), area (see section 7(1)(g) of the Ordinance, similar in this respect to article 6(viii) of the Republic's Order);
 - j. the aircraft must not be 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 (see section 7(1)(h) of the Ordinance, similar in this respect to article 6(viii) of the Republic's Order);

- k. the aircraft must not be within 500 metres of any person, unless that person consents or is involved in the activity consisting of the flying of the aircraft (see section 7(1)(i) of the Ordinance, similar in this respect to article 6(viii) of the Republic's Order);
- l. where the operation of the aircraft has caused personal injury requiring hospitalisation, or death, the person in charge of the aircraft must report this to the Chief Officer (see section 7(1)(j) of the Ordinance, similar in this respect to article 6(xv) of the Republic's Order).
- m. the aircraft has not been modified since it was first placed on the market, or, if it has never been placed on the market, it has been built by persons reasonably competent for that purpose (see section 7(1)(k) of the Ordinance, similar in this respect to article 6(xv) of the Republic's Order).

The Special Category

- 9. Unmanned aircrafts of the Special Category must not be flown at a height higher than 120 metres, unless the Chief Officer gives permission (see section 8(1) of the Ordinance).
- 10. Those aircraft must also be flown in accordance with the licensing regime set up by the Republic's Order and administered by the Competent Authority (see section 8(2) and (3) of the Ordinance).

Approved aeromodelling sites

- 11. The Ordinance does not apply to flying of an unmanned aircraft in an area designated by the Chief Officer as a site to be used specifically for the practice of the flying of unmanned aircrafts. However, the requirements of the Order apply, except to the extent that the Administrator has granted an exemption from these. Such an exemption may be subject to conditions (see article 10 of the Order).

Aerial work

- 12. Article 73(5) and 127 of the Order prohibit the flying of small (i.e., of a weight lighter than 20 kg) unmanned aircraft for the purposes of aerial work, except in accordance with a permission granted by the Administrator. "Aerial Work" is defined in article 126 as any purpose (other than commercial air transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight. The Permissions grants such permission in relation to the flying of all small unmanned aircrafts that complies with the Order and the Air Navigation (Unmanned Aircrafts) Ordinance 2020.

Delegation

- 13. The functions of the Chief Officer under sections 4(3) (designation of sites for unmanned aircraft practice), 7(1)(j) (permission to fly a modified aircraft), 7(2) (report of accidents to the Chief Officer) and 8(1) (permission to fly at a height greater than 120 metres) are intended to be delegated to the Republic under the Delegation of Functions to the Republic Ordinance 2007.

Enforcement

- 14. Under article 185 of the Order, breach of article 177 (endangering safety of any person or property) of the Order is punishable by an unlimited fine or up to two years of imprisonment, or both. Contravening any of the other provision of the Order or the Ordinance mentioned above, is an offence, punishable by a fine of the equivalent of £2,500 in euros.

15. Article 8(1) of the Order provides for a power for the Administrator or an authorised person (this includes a police officer) to prohibit the flying of an aircraft that appears to them to be intended or likely to be flown in contravention to the Order, and be a cause of danger to any persons or property. The Administrator or authorised person may take such steps as are necessary to detain the aircraft. Under articles 182 and 185 of the Order, obstructing a person attempting to detain the aircraft, is punishable by a fine of the equivalent of £2,500 in euros. Under articles 8 and 185, refusing to comply with a direction is punishable by a fine of the equivalent of £1,000 in euros.
16. The Ordinance provides for a power by police officers to use reasonable force to prevent or stop unmanned aircrafts from being flown, where they reasonably suspect that the aircraft is being flown in contravention to the Order, anything made under the Order, or the Ordinance. Obstructing the police officer is punishable by an unlimited fine or up to two years of imprisonment (see section 9 of the Ordinance).

Flying of aircrafts by the Crown or visiting forces

17. Unmanned aircrafts flown on behalf of the Crown (which includes the police, customs and the British Armed Forces) and visiting forces are exempt from the requirements of the Ordinance (see section 4 of the Ordinance). The requirements of the Order mentioned in this guidance do not apply to visiting forces (see article 190(5)). They apply to the Crown, except military aircraft (see article 190(6)), with the exception that military aircraft flown by civilians are normally not exempt from article 177 (endangering safety of any person or property).