

IRISH AVIATION AUTHORITY SMALL UNMANNED AIRCRAFT
(DRONES) AND ROCKETS Act 2016

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The Irish Aviation Authority, pursuant to sections 5, 58, 59, 60, 65 and 67 of the Irish Aviation Authority Act, 1993 (No. 29 of 1993) as amended, hereby orders as follows:

Short Title and Commencement

1. (1) This Act may be cited as the Irish Aviation Authority (Small Unmanned Aircraft (Drones) and Rockets) Act 2016.

(2) This Act shall come into operation on the 21st day of October 2016

Definitions

2. In this Act:

‘the Act’ means the Irish Aviation Authority Act, 1993 (No. 29 of 1993), as amended;

‘aerodrome’ means a defined area (including any buildings, installations and equipment) on land or water or on a fixed, fixed off-shore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

‘aircraft’ means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

‘air traffic service (ATS)’ is a generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service);

‘air traffic services airspace’ mean airspace of defined dimensions, alphabetically designated, within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

‘aerodrome traffic circuit’ means the specified path to be flown by aircraft operating in the vicinity of an aerodrome;

‘aerodrome traffic’ means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome. An aircraft operating in the vicinity of an aerodrome includes, but is not limited to, aircraft entering or leaving an aerodrome traffic circuit;

‘aerodrome traffic zone’ means an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic;

‘aerodrome control service’ means air traffic control service for aerodrome traffic;

‘the Authority’ means The Irish Aviation Authority;

‘controlled airspace’ means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification;

‘corrective lenses’ means spectacles or contact lenses;

‘fireworks’ a combustible or explosive device for producing a striking display of light or a loud noise;

‘prohibited area’ means airspace of defined dimensions designated by the Authority above the land areas of the country or territorial waters thereof, within which the flight of aircraft is prohibited by the Authority;

‘restricted area’ means an airspace of defined dimensions designated by the Authority above the land areas of the State or the territorial waters thereof, within which the flight of aircraft is restricted by the Authority in accordance with specified conditions;

‘rocket’ any of various simple or complex tubelike devices containing combustibles that on being ignited liberate gases whose action propels the tube through the air;

‘small unmanned aircraft’ means an unmanned aircraft or a drone having a mass of 150 kilogram or less;

‘specific operating permission’ means a written permission from the Authority;

‘unaided visual line of sight’ includes visual line of sight with or without the use of corrective lenses;

‘unmanned aircraft’ shall mean an aircraft including a drone without a human pilot on board.

Revocations

3. The Irish Aviation Authority (Rockets and Small Aircraft) Order 2000, (S.I. No. 25 of 2000) is hereby revoked.

Directions

4. The Authority may give directions for the purposes of giving effect to the provisions of this Order other than written permissions and authorisations referred to herein and may exempt persons or operations from the provisions of this Order subject to such conditions as may be specified in relation to any such exemption. A condition specified in or with a written permission or in relation to an exemption in a particular case shall have the effect of a direction under this Order and shall be complied with by the person or persons to whom it applies.

Continuance in Force of Existing Directions, Permissions and Exemptions

5. Every permission, direction or exemption issued or in force under the appropriate provisions of the Irish Aviation Authority S.I. No. 25 of 2000 (Rockets and Small Aircraft) Order, at the time of the coming into operation of this Order shall continue in force and shall be deemed for all purposes to have been issued under this Order.

Applicability

6. (1) This Act shall apply, unless otherwise specified herein, to:

(a) small unmanned aircraft (including drones) with a maximum take-off mass of less than or equal to 150 kilograms including equipment installed in or attached to and including cargo;

(b) unmanned rockets exceeding 1.5 kilograms in fuelled mass and with more than 100 grams of propellant,

when such aircraft are operated over the State.

(2) This Act shall not apply to:

(a) fireworks used in aerial display where the maximum altitude reached is less than 400 ft. above ground level at the launch site(s), unless launched within controlled airspace or an aerodrome traffic zone;

(b) to a rocket using not more than 100 grams (0.1 kilogram) of propellant or using a slow burning propellant and made of paper, wood or frangible plastic containing no substantial parts and having a mass of no more than 500 grams (0.5 kilogram) operated in a manner that does not create a hazard to persons, property or other aircraft; and

(c) to drones and small unmanned aircraft of less than 1 kilogram maximum mass less fuel and constructed of wood, paper or frangible plastic and containing no substantial parts, when operated below 15m above the ground or water and in a manner that does not create a hazard to persons, property or other aircraft.

Small Unmanned Aircraft (Drones)

7. (1) Aircraft subject to this order shall be required to be registered in a manner established by the Authority.

(2) A person who has charge of the operation of a small unmanned aircraft shall not permit that aircraft to be operated:

(a) so as to cause a hazard to another aircraft; or

(b) in the vicinity of aircraft manoeuvring in an aerodrome traffic circuit; or

(c) in a negligent or reckless manner so as to endanger life or cause damage to the property of others.

(3) Small unmanned aircraft shall give way to manned aircraft.

(4) The authority may define areas within Air Traffic Services airspace, where small unmanned aircraft activity may take place without permission from the Authority.

(5) A person who has charge of the operation of a small unmanned aircraft which has a mass of less than 25 kilograms, without fuel but including any articles or equipment installed in or attached to the aircraft and including cargo at the commencement of its flight shall not allow such an aircraft to be flown, unless otherwise permitted by the Authority and subject to such conditions as are required by such permission:

- (a) within a prohibited area, a restricted area, or controlled airspace;
- (b) in Air Traffic Services airspace, other than controlled airspace, within 5km of an aerodrome during periods of aircraft operations, unless the aerodrome operator has given permission;
- (c) at a distance of less than 30 metres from a person, vessel, vehicle or structure not under the direct control of the operator;
- (d) at a distance of less than 120 metres from an assembly of 12 or more persons not under the direct control of the operator;
- (e) beyond direct unaided visual line of sight and not farther than 300 metres from the point of operation;
- (f) at a height of more than 120 metres above the ground or water;
- (g) permitting or attempting to permit, any article or animal, whether or not attached to a parachute to be released from that aircraft.

(6) A person who has charge of the operation of a small unmanned aircraft shall not permit such aircraft to be operated from any place unless the aircraft may take-off and land without undue hazard to persons or property and nothing in this order shall affect the rights and interests of the owner or occupier of that place.

(7) A person who has charge of the operation of a small unmanned aircraft, which has a mass of 4 kilograms or more and less than 25 kilograms, without fuel but including any articles or equipment installed in or attached to the air-craft and including cargo at the commencement of its flight, or as otherwise directed by the Authority, shall not allow such an aircraft to be flown unless that person has successfully undertaken a course of safety training accepted by the Authority.

(8) A person who has charge of the operation of a small unmanned aircraft which has a mass of 25 kilograms, or more and less than 150 kilograms, without fuel but including any articles or equipment installed in or attached to the air-craft and including cargo at the commencement of its flight, shall not allow such

an aircraft to be flown without the permission of the Authority and subject to such conditions as are required by such permission.

(9) Permissions issued in accordance with this order may take the form of Specific Operating Permission.

Rockets

8. (1) A rocket shall not be operated by any person within the State unless that person:

(a) furnishes such pertinent information as may be required by the Authority;

(b) obtains permission from the Authority prior to the launching of the rocket; and

(c) complies with such conditions as are imposed with that permission.

(2) The Authority may refuse any application for permission to operate a rocket and may otherwise prohibit such an operation if it appears that it would be inexpedient in the interest of aviation safety to allow that operation to proceed.

Revocation, Limitation, and Suspension of Permissions, Exemptions and Authorisations

9. (1) The Authority may revoke, limit, or suspend any permission, authorisation or exemption issued under this Act.

Investigations

10. (1) The Authority may:

(a) cause such investigations or inspections as it considers appropriate to be made in respect of an incident or other occurrence which caused or could have caused a hazardous effect on the operation of an aircraft, and may, for the purposes of such investigation or inspection, detain an aircraft, remove and detain any aircraft equipment, take copies of or extracts from any documents or records (including the records in any electronic flight data), have access to any place or premises and obtain from any person such information as may reasonably be required; and

(b) authorise, permit or delegate a person, persons, an organisation or organisations to inspect such manuals, procedures, operations or proficiencies it considers necessary for the safe operation of an unmanned aircraft or the issue of a permission.

Power to Prevent Aircraft Flying

11. If it appears to the Authority or to an authorised officer of the company that a small unmanned aircraft is intended to be or is likely to be flown from any place within the State and that there would be a contravention of any provision of this Order or a contravention of the Act or any Orders or Directions

thereunder if that aircraft were to be so flown, the Authority or an authorised officer of the company may direct the registered owner, the person who has charge of that small unmanned aircraft or the person designated by the registered owner or operator thereof to have charge of that aircraft or any other person having charge or purporting to have charge of that aircraft, with or without the permission of the registered owner or the legitimate operator of that aircraft, that he or she is not to permit or cause the aircraft to make the flight and the Authority or an authorised officer of the company may take such steps as are necessary to detain that aircraft at a suitable location.

(This note is not part of the Act and does not purport to be a legal interpretation)

This Act defines rules for the operation of small unmanned aircraft (with a mass of less than 150 kilograms) and the requirements to obtain permission from the Authority before launching a rocket anywhere in the State.