

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4591 of 03 July, 2019

LEGAL NOTICE NO.130 OF 2019.

CIVIL AVIATION ACT 2009

CIVIL AVIATION (AIR NAVIGATION) (AMENDMENT) REGULATIONS 2019

In exercise of the powers conferred on him by section 33 of the Civil Aviation Act 2009 and of all other enabling powers, the Minister has made the following Regulations–

Title.

1. These Regulations may be cited as the Civil Aviation (Air Navigation) (Amendment) Regulations 2019.

Commencement.

2. These Regulations shall come into operation on the day of publication.

Amendment of the Civil Aviation (Air Navigation) Regulations 2009.

3.(1) The Civil Aviation (Air Navigation) Regulations 2009 are amended in accordance with the provisions of this regulation.

(2) In regulation 2(1)–

(a) after the definition of “released flight” insert–

“ “remote pilot”, in relation to a small unmanned aircraft, is an individual who–

(i) operates the flight controls of the small unmanned aircraft by manual use of remote controls; or

(ii) when the small unmanned aircraft is flying automatically, monitors its course and is able to intervene and change its course by operating its flight controls;”;

(b) after the definition of “Standardised European Rules of the Air Regulation” insert–

“ “SUA operator”, in relation to a small unmanned aircraft, is the person who has the management of the small unmanned aircraft;”.

(3) In regulation 51–

- (a) in the regulation heading, after “aircraft” insert “: requirements”;
- (b) in subregulation (2) for “person in charge” substitute “remote pilot”;
- (c) in subregulation (3) for “person in charge” substitute “remote pilot”;
- (d) after subregulation (3) insert–

“(4) 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.”.

- (4) After regulation 51 insert–

“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–

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

- (2) Subject to paragraph (3), a certificate of registration may relate–

- (a) to a particular description of small unmanned aircraft;
- (b) to a particular description of flights by small unmanned aircraft.

- (3) No certificate of registration is to be issued in relation to–

- (a) 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
- (b) flights by small unmanned aircraft of that description.

- (4) A certificate of registration issued, or renewed, under this article is valid for the period shown on the certificate, subject to–

- (a) Regulation 46; or
- (b) the SUA operator notifying the Director, in such manner as the Director may require, that the SUA operator surrenders the certificate.

(5) 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.

(2) The SUA operator must not cause or permit the small unmanned aircraft to be flown unless—

- (a) 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
- (b) 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.

(3) 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.

(4) 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—

- (a) has applied to the Director, in such manner as the Director may require, for an acknowledgement of competency;
- (b) has supplied such information and evidence as the Director may require;
- (c) has undertaken such training as the Director may require; and
- (d) has undergone such tests as the Director may require.

- (2) That training or those tests may relate to matters which include—
- (a) the practical operation of small unmanned aircraft;
 - (b) matters connected with the operation of small unmanned aircraft (such as respect for privacy, data protection, safety, security and environmental protection).
- (3) Subject to paragraph (4), an acknowledgement of competency may relate—
- (a) to a particular description of small unmanned aircraft;
 - (b) to a particular description of flights by small unmanned aircraft.
- (4) No acknowledgement of competency is to be issued in relation to—
- (a) 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
 - (b) flights by small unmanned aircraft of that description.
- (5) An acknowledgement of competency issued, or renewed, under this article is valid for the period shown on the acknowledgement, subject to Regulation 46.
- (6) The Director may issue an acknowledgement of competency subject to such conditions as it deems appropriate.
- (7) 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.

(2) 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.

(3) 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.

(4) In this article “acknowledgement of competency” means an acknowledgement issued under article 51ZC.”.

(5) In section 51A–

(a) for subregulation (1) substitute–

“(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.”;

(b) in subregulation (2)(c) for “person in charge” substitute “SUA operator or the remote pilot”;

(c) in subregulation (4) for “person in charge” substitute “remote pilot” on both occasions where those words appear.

(6) In Schedule 5, Part A, Section 1 after the entry for “51 Small unmanned aircraft” insert–

“51ZB Requirement for SUA operator of small unmanned aircraft to be registered.

51ZD Requirement for remote pilot of small unmanned aircraft to have acknowledgement of competency.”.

Dated 3rd July, 2019.

DR J GARCIA,
Minister with responsibility for Civil Aviation.

EXPLANATORY MEMORANDUM

These Regulations amend the Civil Aviation (Air Navigation) Regulations 2009 in order to regulate the use of small unmanned aircraft, which includes the type of aircraft commonly known as small drones.

