



**Miscellaneous**

**No:** 1273

**Air Navigation Order 2016**

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**General Exemption E 4735**

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**Small Unmanned Aircraft – First Person View (FPV) Flying**

(See Note 1)

- 1) The Civil Aviation Authority, in exercise of its powers under article 266 of the Air Navigation Order 2016 ('the Order') as amended, exempts any person in charge of a small unmanned aircraft from the requirement at article 94(3) of the Order to ensure that direct unaided visual contact is maintained with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.
- 2) This exemption only applies if the conditions in paragraphs 3 to 7 below are met.
- 3) General requirements.
  - a) The remote pilot (within the meaning given in article 94G of the Order), is the person that is piloting the small unmanned aircraft (see Note 2).
  - b) The remote pilot must be accompanied by a competent observer who maintains direct unaided visual contact with the small unmanned aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions and advises the remote pilot accordingly.
  - c) The maximum take-off mass of the small unmanned aircraft shall not exceed 3.5 kg, including any batteries or fuel.
- 4) The remote pilot must not fly the small unmanned aircraft:
  - a) in Class D or E airspace unless permission of the appropriate air traffic control unit has been obtained;
  - b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless permission of any such air traffic control unit has been obtained;
  - c) within the flight restriction zone of a protected aerodrome unless in compliance with the requirements stated within article 94B or the Order;
  - d) at a height of more than 400 feet above the surface (see Note 3);
  - e) over or within 150 metres of any congested area;
  - f) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
  - g) within 50 metres of any vessel, vehicle or structure which is not under the control of the remote pilot;

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- h) within 50 metres of any other person, apart from the competent observer, except when taking off or landing in accordance with paragraph (i);
  - i) within 30 metres of any other person, apart from the competent observer, other adjacent model operators, or any model flying club members, during take-off or landing; or
  - j) for the purposes of commercial operations.
- 5) For the purposes of this exemption, a 'competent observer' means someone whom the remote pilot has designated as the competent observer.
- 6) Before designating someone as the competent observer, the remote pilot must be satisfied that he or she:
- a) has been briefed in accordance with paragraph 7;
  - b) is competent to perform the tasks which he or she may be called upon to perform in accordance with paragraph 7; and
  - c) is competent, by direct unaided visual observation of the small unmanned aircraft, to assist and advise the remote pilot with the safe conduct of the flight.
- 7) The remote pilot must ensure that:
- a) the competent observer is fully briefed on the planned flight and what is expected of him/her, taking into account the prevailing conditions;
  - b) the competent observer understands that he/she must stay directly adjacent to the remote pilot and maintain direct unaided visual contact with the small unmanned aircraft at all times, to visually and aurally monitor the airspace for other aircraft, and the take-off and landing area for any persons;
  - c) the competent observer has been instructed on the actions to take in the event of another aircraft being spotted and a risk of collision is assessed; and
  - d) the competent observer understands that he/she must advise if the small unmanned aircraft is proceeding beyond the point at which he/she is able to monitor its flight path sufficiently to identify a risk of collision.
- 8) This exemption has effect from 30 July 2018, at which point ORS4 No 1226 is revoked.
- 9) This exemption will remain valid until varied, suspended or revoked.

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for the Civil Aviation Authority

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**Notes:**

- 1) First Person View flying is the ability to control a radio controlled aircraft from a “pilot’s eye” perspective through the use of an on-board camera and ground-based receiving and viewing equipment. The viewing equipment is normally a tablet or mobile phone screen, or a set of video goggles.
- 2) The remote pilot remains responsible for the safety of the operation and may only fly the small unmanned aircraft if reasonably satisfied that the flight can safely be made.
- 3) This does not remove the requirement (in paragraph 3(b)) for the competent observer to maintain direct unaided visual contact with the small unmanned aircraft throughout the flight. Therefore, the aircraft can only be flown up to 400 feet if it can still be seen sufficiently for collision avoidance purposes.
- 4) This exempts only from article 94(3). The other provisions of article 94 and the whole of articles 94A, 94B and 95 continue to apply, so far as may be applicable. In particular, article 94(5) prohibits flight for the purposes of commercial operations except in accordance with a permission granted by the CAA.