



Miscellaneous

No: 1297

Air Navigation Order 2016

Publication date: 11 March 2019

General Exemption E 4857

Small Unmanned Aircraft – Commercial/Congested Area Operations involving the use of a Competent Observer

(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 remote pilot who is operating under an SUA operator's permission related to the commercial operation of a small unmanned aircraft, or the operation of a small unmanned aircraft within a congested area, 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) This permission is only applicable to operating permissions issued by the CAA under articles 94(5) (commercial operations) and 95(2)(a) (operations over or within 150 metres of a congested area), more commonly known as a 'standard permission'.
 - b) 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).
 - c) The remote pilot must be accompanied by a competent observer, situated alongside him/her, 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.
 - d) This permission does not apply to operating permissions issued by the CAA which have been subject to the assessment of an Operating Safety Case (OSC), such as for operations within 150 metres of organised open-air assemblies or for operations within 50 metres of uninvolved people or properties. Similarly, it does not apply to any exemption issued by the CAA. In these cases, the conditions of the original permission or exemption will still apply.

The latest version of this document is available in electronic format at www.caa.co.uk/publications, where you may also register for e-mail notification of amendments.

- 4) The remote pilot must not fly the small unmanned aircraft:
 - a) within the flight restriction zone of a protected aerodrome unless in receipt of the appropriate permission as required within article 94A or the Order;
 - b) at a height of more than 400 feet above the surface (see Note 3);
 - c) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
 - d) Within 50 metres of any person, vessel, vehicle or structure that is not under the control of the SUA operator or the remote pilot, except that during take-off and landing this distance may be reduced to 30 metres.
- 5) For the purposes of this exemption, a 'competent observer' means someone whom the SUA operator has designated as the competent observer.
- 6) Before designating someone as the competent observer, the SUA operator must be satisfied that he or she:
 - a) is competent to perform the tasks which he or she may be called upon to perform in accordance with paragraph 7; and
 - b) 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 area that the small unmanned aircraft will be operating in for any uninvolved persons, vehicles, vessels or structures;
 - 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;
 - d) the competent observer has been instructed on the actions to take in the event of any uninvolved person, vehicle, vessel or structure being sighted within, or close to, the minimum distances specified in paragraph 4(d); and
 - e) the competent observer understands that he/she must advise the remote pilot 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 13 March 2019 until varied, suspended or revoked.

S L O'Sullivan
for the Civil Aviation Authority

11 March 2019

Notes:

- 1) This exemption enables remote pilots to refer to a small unmanned aircraft's on-board camera and ground-based receiving and viewing equipment whilst conducting a commercial operation in order to more precisely position the aircraft or identify the object being monitored.
- 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(c)) 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 a height of 400 feet if it can still be seen sufficiently for collision avoidance purposes