

Drone Legislation & Police Powers

Shortcuts Within This Document

- Legislation and Offences
- Initial Actions & Investigation Advice
- Police Powers

Useful Links

- CAA - The Drone Code
- Drone Assist – Available as an app on iOS and Android or at www.dronesafetymap.com, this shows any live restricted airspace on a map, showing where it is illegal to fly drones.
- Check Someone's Registration Status – The CAA website to check a persons OperatorID or FlyerID. This is a public website, you need a persons ID number as well as their name. If this does not work, contact the drone team who can submit a police request to the CAA.
- Police National Legal Database – The Air Navigation Order 2016 (You must be logged in to PNLD)
- Geeksvana – YouTube Channel – This channel has lot's of useful videos including interviews with the NPCC Counter-Drone Team
- <http://www.gridreferencefinder.com> - Handy tool for initial investigation at a scene to record very accurate locations and convert location details.



Devon & Cornwall
POLICE
Drone Team

Introduction



Drone legislation is found in The Air Navigation Order 2016. Drones can be flown in different circumstances depending on:

1. Where the drone is being flown
2. The pilot's qualification and
3. The size/weight/type of drone they are using.

These circumstances are separated in to 4 categories depending on the level of risk they present; 'Open A1', 'Open A2', 'Open A3' and 'Specific' and each category has different legal requirements/limits.



Police Powers in relation to drones are provided by the Air Traffic Management and Unmanned Aircraft Act 2021 (ATMUA) and gives police the powers for:

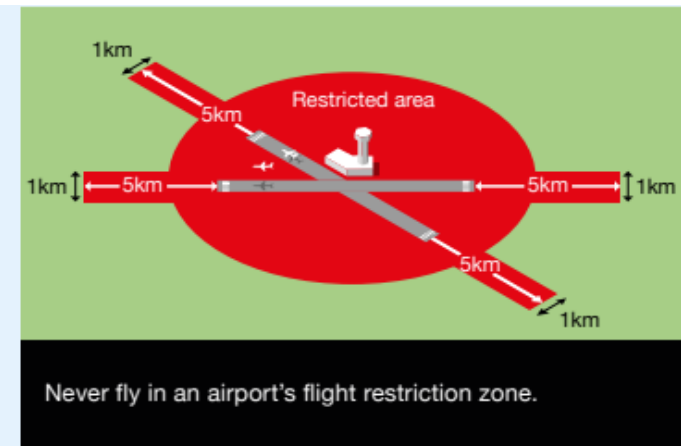
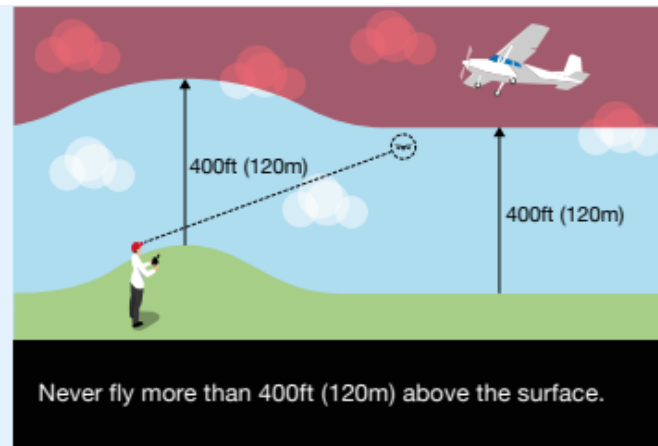
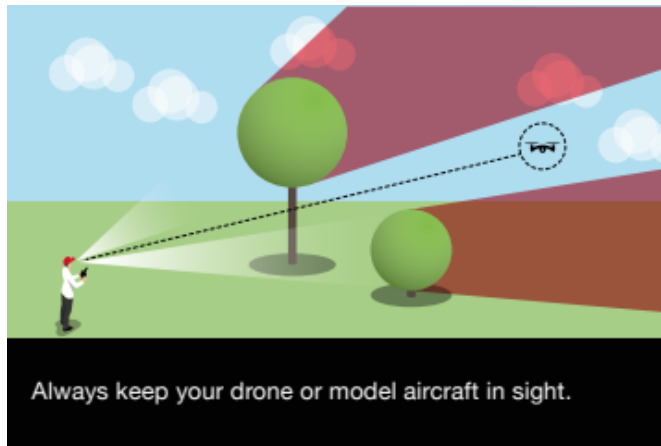
- Requiring a pilot to land immediately
- Stop and search
- Seizure
- Use of Force
- Requesting information from/about pilots and drone owners

For further guidance on this document or drone legislation in general please contact the drone team on the details from our Sharepoint page: [HERE](#) or by contacting the on-duty team (Search for the 'DRONE' resource type on STORM).

In General...

➤ All drones must:

- Stay below 120metres (400ft)
- Always be within unaided visual line of sight (VLOS) of the pilot
- Not be flown further 500metres from the pilot (provided the pilot can maintain VLOS)
- Not be flown within a Flight Restriction Zone (FRZ) or restricted airspace without the permission of the responsible authority. FRZ's and other restricted airspaces are usually found around airports, prisons and some military bases.



- There are some exceptions to the above but this means the operator will be operating in the Specific category and have an Operational Authorisation from the CAA (described later in this document).

Common Offences...

General Offence 8 - Article 265B(3) Air Navigation Order 2016

It is an offence for a drone to fly “close to or inside areas” where an emergency response effort is ongoing unless permission has been obtained from the appropriate emergency response services.

- This should be considered in the same way as shutting roads around an incident whilst an incident is ongoing.
- No distances are defined in law however it should be proportionate and necessary in the circumstances.
- Can be used in conjunction with the power to require a pilot to land (page ??)

Article 241 Air Navigation Order 2016

A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Article 94a Air Navigation Order 2016

A person must not fly an unmanned aircraft in a Flight Restriction Zone (FRZ) without permission from the airport’s Air Traffic Control. (Check the Drone Assist app or www.dronesafetymap.com to check the live location of FRZs)

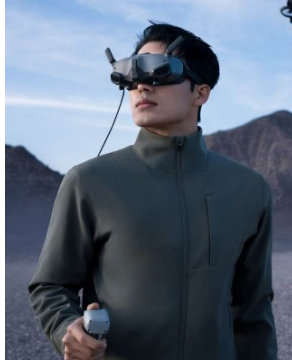
Alcohol and Drugs – Section 92 Railway and Transport Safety Act 2003

A person commits an offence if -

(a) he performs an aviation function at a time when his ability to perform the function is impaired because of drink or drugs

- ‘Aviation Function’ includes being the pilot of a drone.
- Consider this in the same way as Sec 4 Road Traffic Act of being unfit through drink/drugs. If you believe them to be unfit through drink or drugs and can evidence this, they commit the offence.

Common Drones – Page 1



DJI Avata

- Weight: Approx 410grams
- Flight Time: Approx 15mins
- Flight Range: >5km (Environment dependent)
- Pilot has to wear goggles – meaning the drone will not be in their visual line of sight so they will need an observer with them
- Open Categories: A1 (with A2CofC) A2, A3



DJI Mini (1, 2 or 3)

- Weight: 249grams
- Flight Time: Approx 30mins
- Flight Range: >5km (Environment dependent)
- Usually flown with a phone/tablet attached to controller
- Open Category: A1



DJI Mavic Air 2/2S

- Weight: 595grams
- Flight Time: Approx 25mins
- Flight Range: >5km (Environment dependent)
- Usually flown with a phone/tablet attached to controller
- Open Categories: A2 and A3



DJI Mavic 3

- Weight: Approx 900grams
- Flight Time: Approx 30mins
- Flight Range: >5km (Environment dependent)
- Usually flown with a phone/tablet attached to controller
- Open Categories: A2 and A3

All drones can be flown in the specific category if they are listed on a pilot's Operational Authorisation which they must carry with them.

Common Drones – Page 2



DJI Phantom series

- Weight: Approx 1.3kg
- Flight Time: Approx 30mins
- Flight Range: >5km (Environment dependent)
- Usually flown with a phone/tablet attached to controller
- Open Categories: A2, A3



DJI Inspire 2

- Weight: 3.4Kg
- Flight Time: Approx 25mins
- Flight Range: >5km (Environment dependent)
- Usually flown with a phone/tablet attached to controller
- Open Category: A3



Parrot Anafi

- Weight: 320grams
- Flight Time: Approx 25mins
- Flight Range: 4km (Environment dependent)
- Usually flown with a phone/tablet attached to controller
- Open Categories: A1 (with A2CofC) A2, A3



Autel Evo

- Weight: Approx 1.9Kg
- Flight Time: Approx 40mins
- Flight Range: 9km (Environment dependent)
- Usually flown with a phone/tablet attached to controller
- Open Categories: A2 and A3

All drones can be flown in the specific category if they are listed on a pilot's Operational Authorisation which they must carry with them.

The Open Category

Operation		UAS			UAS Operator	Remote pilot
Subcategory	Operating Area	Class	Mass/KE/Speed	Operating Date limitations	Registration	Competency
All	- Max height 120m/400ft (see UAS, OPEN.010 [3] & [4] for specific obstacle and sailplane limits) - No dropping of articles - No carriage of dangerous goods				Minimum age 18	
A1	Fly over uninvolved people, but not over crowds	Privately built	<250g 'flying weight' and <19m/s	Nil	Only if 'camera' equipped (but not toys)	Read user manual
		Legacy (placed on market before 1 Jan 23)	<250g 'flying weight'			
	No intentional flight over uninvolved persons	A1 Transitional (Article 22)	<500g 'flying weight'		Yes	- A2 CofC Theoretical test
A2	No closer than 50m horizontally from uninvolved persons	A2 Transitional (Article 22)	<2kg 'flying weight'		Yes	- User manual - Online training - Online (foundation) test - Self-practical training - A2 CofC Theoretical test
A3	- No flight within 150m horizontally of residential, commercial, industrial or recreational areas	Privately built	<25kg 'flying weight'	Nil	Yes	- User manual - Online training - Online (foundation) test
		Legacy (placed on market before 1 Jan 23)				

- Not flying in compliance with the requirements of the Open category (this table) is an offence under Article 265 Air Navigation Order 2016.
- Any drone >250g (or if it is equipped with a recording camera) **MUST** have an OperatorID displayed on the drone. The UAS Operator is the owner or person responsible for the drone.
- 'Online Foundation Test' in this table refers to the requirement for a FlyerID, which the pilot must obtain by completing a free online test provided by the CAA. Applicable to all drones >250g.
- Any drone being flown for any reason **OTHER** than **recreational or sporting** purposes is required to have an insurance policy compliant with (EC)785/2004 regulations.
- Please see the next slide for an easy reference table...

The Open Category – Quick Reference Table

	A1 (Toys and <250g)	A1 Transitional (250g-<500g)	A2 Transitional (500g-<2kg)	A3 (<25kg)	SPECIFIC (Presuming UKPDRA01 Operational Authorisation)*
Allowed to fly in Residential, Commercial, Industrial or Recreational areas?	Y	Y	Y	N	Y
Allowed to fly within 50m horizontally of Assemblies?	Y	Y	N	Y ¹	N
Allowed to fly over Assemblies?	N	N	N	N	N
Allowed to fly within 50m horizontally of Uninvolved Persons?	Y	Y	N	Y ¹	Y ²
Allowed to fly over Uninvolved Persons?	Y	N	N	Y ¹	Y ²
Operator must register and OperatorID must be displayed?	N ³	Y	Y	Y	Y
Pilot must have 'FlyerID' competency?	N	Y	Y	Y	Y
Pilot needs additional competency, and must carry proof?	N	Y ⁴	Y ⁴	N	Y ⁵
Allowed to fly beyond VLOS?	N	N	N	N	N ⁶
Allowed to fly above 120m?	N	N	N	N	N
Allowed to fly close to or within ongoing Emergency Response without permission?	N	N	N	N	N
Allowed to endanger any person or property during flight?	N	N	N	N	N
Allowed in FRZ's or Restricted Airspace without Permission?	N	N	N	N	N
Allowed to carry dangerous material or drop anything?	N	N	N	N	N ⁷

*Operational Authorisations granted by the CAA may provide different exemptions to those shown here. Officers MUST therefore check the specific conditions of the relevant Operational Authorisation and Operations Manual when dealing with someone flying in the SPECIFIC category.

¹ Must reasonably expect that no Uninvolved Person will be 'endangered' during flight

² Can't fly within 50m radius of Uninvolved Persons (reduces to 30m on take-off or landing) but can overfly if minimum 50m separation maintained*

³ Operator must register and OperatorID must be on the drone if it has a recording camera (and is not a 'Toy')

⁴ Pilot must hold 'A2 Certificate of Competency' and carry proof while flying a drone

⁵ Pilot must hold GVC or equivalent, and carry proof while flying a drone*

⁶ Must not fly more than 500m horizontally from pilot*

⁷ Officers must check specific Operational Authorisation in each case as some may be authorised this activity.*

The Specific Category

- In order to fly in the Specific category, the operator will have been issued an 'Operational Authorisation' (OA) by the Civil Aviation Authority (CAA). Every OA is individual to the operator so OA holders all have different levels of operating parameters.
- This is an annually renewed permission from the CAA detailing exactly what the operator can and cannot do. If an OA is in place the operator **MUST** carry it with them and present it to you on request.
- An operator flying in contravention of their of their OA commits an offence under Article 265 Air Navigation Order.
- Any drone being flown under the Specific category (Under an Operational Authorisation) is legally required to have an insurance policy compliant with (EC)785/2004 regulations.

Initial Actions & Investigation Advice

Information Gathering Questions

1. What is the make, model and serial number of the drone?
2. Does it have a camera capable of recording?
3. Does the pilot have an OperatorID – and is it displayed on the drone?
4. Does the pilot have a FlyerID?
5. What category do they think they are flying in?
6. Does the pilot have any additional pilot qualification, if required for the category? (E.g an A2CofC)
7. Did the pilot maintain unaided Visual Line Of Sight (VLOS) at all times? How far away did they fly?
8. Did the drone stay below 120m (400ft) at all times?
9. How close did the drone fly to uninvolved persons or assemblies of people? (An 'Assembly of People' has no defined size but is based on a persons ability to freely 'escape' any risk posed by a drone; think crowds of people at sporting/music events or crowded towns/beaches).
10. Was anyone or anything endangered at any time – if so, how?

Top Tips

- Don't focus on the fact a drone is involved. Are any other offences suspected? E.g Voyeurism, Harassment, Stalking or Aggravated Trespass (S68 Criminal Justice & Public Order Act).
- If there are offences committed drones & controllers should be seized for digital forensic examination – also seize any device attached to the controller such as a phone/tablet as this will also contain evidence.
- Witness and suspect accounts, CCTV and BodyWorn Video are crucial sources of evidence.
- You can require their identity details to confirm who they are to confirm that their FlyerID and OperatorID is theirs – what if they are giving you someone else's? (Schedule 9 ATMUA)
- If a pilot states they are operating in the Specific Category they will have an 'Operational Authorisation' issued by the Civil Aviation Authority which details what they can and cannot do. Not complying with this is an offence

Initial Investigation



Crimes

- If you suspect an offence has been committed it should be crimed through PRONTO, as you would for any other offence.
- In the 'Crime MO & Type' section, under 'Offence Category', type '**Drone**', this will then give a list of 5 options under the 'Offence namely' dropdown.
- Crimes will be allocated as per any other crime but the Drone Team are able to offer advice/support with any drone related investigation

Crime - Reporting O..

Details

CRIME MO & TYPE

Offence category*
Drone Offence

Offence namely*
[Dropdown]

CCCJS ref*
[Dropdown]

Regina offence?*
☒ Yes ☐ No

Note: No victims should be added for regina offence reports



Intelligence

- When dealing with a member of the public with a drone, or you find a drone (e.g. at a warrant/Sec 18) please submit intel and include any makes, models and serial numbers.
- If possible you should obtain the 'Flight Controller Serial Number' –
 - On DJI drones, this can ONLY be obtained by turning the drone on and through the 'Pilot' or 'Fly' app (usually on their phone or tablet), going into 'Menu' or pressing the 3 dots in the top corner, going to the 'About' section (and finding the option that says 'Flight Controller Serial Number'. Please note – In this case, the term 'flight controller' does not mean the physical controller used by the pilot, it is an internal component inside a drone that cannot be physically accessed.

Police Powers

Schedule 9 ATMUA

- [Para 1 – Power to require evidence of Pilot competency](#)
- [Para 2 – Power to require information from Pilot about UAS Operator](#)
- [Para 3 – Power to require evidence of registration from UAS Operator](#)
- [Para 4 – Power to require information from UAS Operator about Pilot\(s\)](#)
- [Para 5 – Power to require other information from Pilots or Operators](#)
- [Para 6 – Power to require proof of Relevant Consent from Pilots or Operators](#)
- [Para 7 – Power to require proof of relevant ANO exemptions](#)
- [Para 8 - Power to inspect Unmanned Aircraft](#)
- [Para 9 – Offence of providing false information](#)
- [Para 10 – 7 days to provide information at a police station](#)

- [Seizure](#)

Schedule 8 ATMUA

- [Grounding An Aircraft](#)
- [Stop and Search](#)
- [Seizure \(Post S&S\)](#)
- [Use Of Force](#)

Schedule 8 - Part 1 (Grounding An Aircraft)

Paragraph 1 - Power to require an Unmanned Aircraft to be grounded

A constable may require a person to ground an unmanned aircraft if they have:

1. Reasonable Grounds for **Believing** that a flight is taking place and that the person is controlling the aircraft, and
2. Reasonable Grounds for **Suspecting** that the aircraft has been, is, or is likely to be, involved in the commission of any offence.

Schedule 8 - Part 1 (Stop and Search)

Paragraph 2 – Power to stop and search persons/vehicles

A constable who is in a place to which they lawfully have access (whether or not the public have access) may search a person, a vehicle, or anything which is in or on a vehicle, if one of the following Conditions is met:

Condition A

The constable has Reasonable Grounds for **Suspecting** that they will find a drone or associated article, and that the drone or article is or has been involved in the commission of any of the following offences:

- Flying in an aerodrome FRZ without permission (ANO Art 94A)
- Endangering safety of an aircraft or any person on an aircraft (ANO Art 240)
- Operator not complying with Implementing Regulation (ANO Art 265A(2))
- Pilot not complying with Implementing Regulation (ANO Art 265B(2))
- any **relevant Prison offence**

Condition C

The constable has Reasonable Grounds for **Suspecting** that they will find an article which is or has been involved in the commission of any **relevant prison offence**, and the commission of that offence involves or involved the use of a drone.

‘Relevant Prison Offence’ is defined in Sch 8 para 8, but in summary includes assisting an escape or conveying articles into or out of a prison.

Condition B

The constable has Reasonable Grounds for **Suspecting** that they will find a drone or associated article, and the drone or article is or has been involved in the commission of any of the following offences:

- Flying in Prohibited or Restricted Airspace without permission (ANO Art 239(4))
- Pilot not complying with Implementing Regulation while flying (ANO Art 265B(3))
- Offences relating to ‘Tethered’ drones (ANO Art 265E(7)),

AND

the commission of that offence involves or involved the use of the drone or article for one or more of the following purposes—

- (i) to endanger any other aircraft (whether or not an unmanned aircraft);
- (ii) to cause any person harm, harassment, alarm or distress;
- (iii) to undermine security or good order and discipline in any prison or in any other institution where persons are lawfully detained;
- (iv) to damage property (including land or buildings);
- (v) to threaten national security.

Schedule 8 - Part 1 (Seizure & Use Of Force)

➤ Paragraph 2 (6) – Power of seizure following a Paragraph 2 search

A constable may seize anything they find during a Para 2 search if they have Reasonable Grounds for **Believing** it is evidence relating to any of the following offences:

- Flying in an aerodrome FRZ without permission (ANO Art 94A)
- Flying in Prohibited or Restricted Airspace without permission (ANO Art 239(4))
- Endangering safety of an aircraft or any person on an aircraft (ANO Art 240)
- Operator not complying with Implementing Regulation (ANO Art 265A(2))
- Pilot not complying with Implementing Regulation (ANO Art 265B(2))
- Pilot not complying with Implementing Regulation while flying (ANO Art 265B(3))
- Offences relating to 'Tethered' drones (ANO Art 265E(7)), or
- A **relevant prison offence**²

This power is separate and distinct from other police powers of seizure which may be available in certain circumstances, for instance Common Law or Sec 19 PACE.

➤ Paragraph 4 (1) –

A constable may if necessary use reasonable force for the purpose of exercising a power conferred by Schedule 8.

(Requiring a person to land, stop and search and subsequent seizures).

Schedule 9 – Paragraph 1 & 2



Paragraph 1 – Power to require evidence of pilot competency

Where a constable has Reasonable Grounds for **Believing** that a flight of an unmanned aircraft is taking/has taken place and that the person is/was the remote pilot, and Reasonable Grounds for **Suspecting** that a pilot competency requirement was applicable, they can require the person to provide them with reasonable evidence of compliance with the competency requirement.

In summary, if pilot competency is required for the drone and category they are/were flying in, the pilot must carry proof of that competency at all times while flying. Sch 9 para 1 is a power for a constable to require evidence of the pilot's compliance with the relevant competency requirements upon request.



Paragraph 2 – Power to require information from the pilot about the operator

Where a constable has Reasonable Grounds for **Believing** that a flight by an unmanned aircraft is or has taken place, and that the person is or was the pilot, and Reasonable Grounds for **Suspecting** that a relevant Operator registration requirement was applicable, they may require the person to provide information as to the identity of the relevant UAS operator or the person or persons who made the unmanned aircraft available to them for use.

In essence, if Operator Registration was required for the drone and category it was flying in, the pilot must identify the Operator or the person who gave them the drone to use.

Schedule 9 – Paragraph 3 & 4



Paragraph 3 – Power to require evidence of registration from UAS operator

Where a constable has Reasonable Grounds for **Believing** that a flight by an unmanned aircraft is or has taken place, and that the person is or was the UAS Operator, and Reasonable Grounds for **Suspecting** that a relevant Operator registration requirement was applicable, they may require the person to provide evidence of their compliance with that requirement.

In essence, if Operator Registration was required for the drone and category it was flying in, the Operator must provide the constable with reasonable evidence of their registration if required to do so.



Paragraph 4 – Power to require information *about* pilots *from* UAS operator

Where a constable has Reasonable Grounds for **Believing** that a flight by an unmanned aircraft is or has taken place, and that the person is or was the UAS Operator, and Reasonable Grounds for **Suspecting** that a relevant competency requirement is or was applicable in relation to the pilot(s) for that flight, they may require the Operator to provide such information as is reasonable as to the identity of the pilot or pilots for the flight.

Schedule 9 – Paragraph 5 & 6



Paragraph 5 – Power to require other information *from* pilots or operators

Where a constable has Reasonable Grounds for **Believing** that a flight by an unmanned aircraft is or has taken place, and that the person is or was the remote pilot or UAS Operator, they may require the person to provide such information, documentation or evidence of a specified description as the constable considers reasonable.

In this paragraph “specified description” means a description specified by the Secretary of State through regulation for the purposes of this paragraph.

*****NOTE*** – at time of writing (May 2021), the Secretary of State is yet to publish any regulation specifying the type and nature of the information, documentation or evidence which a constable can require to be provided under this paragraph**



Paragraph 6 – Power to require evidence of relevant ANO consent

Where a constable has Reasonable Grounds for **Believing** that a flight by an unmanned aircraft is or has taken place, and that the person is or was the remote pilot or UAS Operator, and Reasonable Grounds for **Suspecting** that a provision of the Air Navigation Order (ANO) 2016 is or was being contravened unless a relevant consent is or was applicable for the flight, they may require the person to provide such evidence as the constable considers reasonable of a relevant consent relating to that flight.

In this paragraph “relevant consent” means a permission, operational authorisation, LUC, authorisation or certification for:

- Flying in an aerodrome FRZ (ANO Art 94A)
- Flying in the Specific category (ANO Art 265A(1)(b) and 265B(1)(b))
- Flying in the Certified category (ANO Art 265A(1)(c) and 265B(1)(c))
- Flying a tethered small UAS with CAA permission (ANO Art 265E(3))

Schedule 9 – Paragraph 7 & 8



Paragraph 7 – Power to require evidence of relevant ANO exemption

Where a constable has Reasonable Grounds for **Believing** that a flight by an unmanned aircraft is or has taken place, and that the person is or was the remote pilot or UAS Operator, and Reasonable Grounds for **Suspecting** that a provision of the ANO 2016 is or was being contravened unless an ANO exemption is or was applicable, they may require the person to provide such evidence as the constable considers reasonable of an ANO exemption.

In this paragraph “ANO exemption” means an exemption under article 266 of the ANO 2016, i.e.:

266. *The CAA may exempt from any of the provisions of this Order (other than articles 179, 230, 247, 250, 251, 252, 255, and 267) or any regulations made under this Order, any aircraft or persons or classes of aircraft or persons, subject to such conditions it deems appropriate.*

The evidence a constable may require under this paragraph includes evidence of the applicability of an ANO exemption to a person, or the unmanned aircraft, as respects the flight



Paragraph 8 – Power to inspect Unmanned Aircraft

A constable may require a person in possession of an unmanned aircraft to allow the constable to inspect it if the constable considers that the inspection would assist in deciding whether any of the previous Sch 9 powers is exercisable, i.e.:

- Para 1 – Power to require evidence of Pilot competency
- Para 2 – Power to require information from Pilot about UAS Operator
- Para 3 – Power to require evidence of registration from UAS Operator
- Para 4 – Power to require information from UAS Operator about Pilot(s)
- Para 5 – Power to require other information from Pilots or Operators
- Para 6 – Power to require evidence of relevant ANO consent
- Para 7 – Power to require evidence of relevant ANO exemption

A constable may if necessary use reasonable force for the purpose of exercising the power conferred by this paragraph.

Schedule 9 – Paragraph 9 & 10



Paragraph 9 – Offence of providing false or misleading information

A person commits an offence if anything they provide under Schedule 9 is false or misleading in a material respect, and they either know that it is false or misleading, or are reckless as to whether it is false or misleading.



Paragraph 10 – Provision of information at a police station

A person may comply with a requirement imposed under any of paragraphs 1 to 7 by providing the required information, evidence or proof at a police station (nominated by the person at the time the requirement was imposed) within seven days, beginning with the day after which the constable imposed the requirement or, if it is not reasonably practicable to do so within that seven day period, as soon after the end of that period as is reasonably practicable.

- Where a person insists in exercising this, their drone, controller and any device attached to the controller (phone/tablet) will need to be seized pending them presenting the required information.

Seizure – Sec 19 PACE

19(1) The powers conferred by subsections (2), (3) and (4) below are exercisable by a **constable** who is lawfully on any **premises**.

19(2) The constable may seize anything which is on the premises if he has reasonable grounds for believing –

- (a) that it has been obtained in consequence of the commission of an offence; and
- (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.

19(3) The constable may seize anything which is on the premises if he has reasonable grounds for believing –

- (a) that it is evidence in relation to an offence which he is investigating or any other offence; and
- (b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.

19(4) The constable may require any information which is stored in electronic form and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form, if he has reasonable grounds for believing –

- (a) that -
 - (i) it is evidence in relation to an offence which he is investigating or any other offence; or
 - (ii) it has been obtained in consequence of the commission of an offence; and
- (b) that it is necessary to do so in order to prevent it being concealed, lost, tampered with or destroyed.

For more information please contact an on duty
drone team or email:
drones@devonandcornwall.pnn.police.uk

