

## Kite Flying and the law

### Introduction

As with anything that flies in the UK, kites are governed by regulations made under the Air Navigation Order 2005 which came into force on 20 August 2005. The Order is made under the European Communities Act 1972, the Civil Aviation Act 1982 the Airports Act 1986.

The following is drawn from the Order and its supporting regulations, all of which are contained in CAP393, available to download from the Civil Aviation Authority Website. A link has been provided on the BKFA website. The latest edition of CAP 393, on which this document is based, is dated 6 August 2008.

There are a number of Articles in the Order and its accompanying Rules of the Air and other Regulations that apply to kites and kite fliers, which contain instructions that may be relevant to kite fliers or which make reference to kites.

At the end of this document, we have included the text of CAP658, Model Aircraft: A Guide to Safe Flying. This document specifically excludes kites, but we believe it gives a good indication of CAA thinking on matters important to kite fliers.

**Please note, this summary is not definitive.** The definitive source for any law is the original Act and Orders and Regulations made under it. If you are in any doubt, you should consult the Act, Orders and Regulations and seek professional legal advice.

In correspondence with the Robin Allan at the CAA Legal Department, he makes the following key points:

- “As a matter of law, kites of more than 2kg must comply with all the provisions of the Order. In practice of course it would be apparent whether any particular provision has any impact on the flying of kites.”
- “As a matter of law there could be an EASA kite. This would be any kite which does not come within Annex II to EASA Regulation 1592/2002. Since it is legally possible, the ANO must address that possibility.”
- “The requirement for aircraft to be registered are set out in article 3. Article 4 deals with the manner in which any aircraft which is required to be registered should be registered in the United Kingdom.”
- “You will see that article 3(1) requires all aircraft to be registered subject to the exceptions in paragraphs (2), (3) and (4). The relevant exception for kites is at article 3(4) which provides that the requirement to be registered does not apply to any non-EASA kite.”
- “You are correct that Article 97 applies to all kites.”
- “You are also correct that Article 98 does not apply to kites.”

## **Contents**

Introduction	<a href="#">1</a>
The Air Navigation Order 2005	<a href="#">3</a>
Schedule 2 – Classification of Aircraft	<a href="#">19</a>
The Rules of the Air 2007	<a href="#">20</a>
CAA contact details	<a href="#">22</a>
Appendix A - Analysis of applicable clauses etc	<a href="#">23</a>
Appendix B – CAP 658 Model Aircraft Safe Flying	<a href="#">27</a>

## **The Air Navigation Order 2005**

The following section repeats those articles in the Air Navigation Order 2005 (the Order) that are believed to be relevant to kites and kite fliers. It will be noted that only those clauses and sub-clauses that are relevant have been included. The document on the CAA website must be referred to for the full definitive text.

Many clauses have been eliminated because kites are not registered aircraft. Others explicitly exclude kites. Those remaining cover all kites over 2 kg, whilst only those listed in article 164 apply to all kites. A full analysis of what articles apply, what don't and why not appears in Appendix A at the end of this document.

### ***Applies to kites over 2 kg only***

#### **Aircraft to be registered**

**Article 3** (1) Subject to paragraphs (2), (3) and (4) an aircraft shall not fly in or over the United Kingdom unless it is registered in:

...

- (4) Paragraph (1) shall not apply to any non-EASA kite or non-EASA captive balloon.

*Article 3 requires all aircraft to be registered. It then excludes "non-EASA kite[s]". This is all kites for all practical purposes since the European Aviation Safety Agency has not registered any kites, nor is it likely to. It is concerned with licensing transport aircraft to provide common levels of safety and an open market across the EU.*

### ***Applies to kites over 2 kg only***

#### **Certificate of airworthiness to be in force**

**Article 8** (1) Subject to paragraph (2), an aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered...

- (2) The foregoing prohibition shall not apply to flights, beginning and ending in the United Kingdom without passing over any other country, of

...

- (c) a non-EASA kite;

...

*Article 8 requires all aircraft to have certificates of airworthiness. It then excludes a number of categories of aircraft from this requirement, one of which is kites.*

### ***Applies to kites over 2 kg only***

#### **Pre-flight action by commander of aircraft**

**Article 52** The commander of an aircraft shall take all reasonable steps to satisfy himself before the aircraft takes off:

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned;

...

- (c) that the aircraft is in every way fit for the intended flight, ...
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;

...

***Applies to kites over 2 kg only***

**Towing, picking up and raising of persons and articles**

**Article 65** (1) Subject to the provisions of this article, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose.

...

- (3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.
- (4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

...

- (7) Nothing in this article shall:
  - (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
  - (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;

...

*Since a kite cannot have a certificate of airworthiness this article would appear to prohibit man-lifting. Trailing aerials and similar apparatus is permitted, with some restrictions. BKFA will seek clarification on this point.*

***Applies to kites over 2 kg only***

**Dropping of articles and animals**

**Article 66** (1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraph (3), except under and in accordance with the terms of an aerial application certificate granted under article 68 of this Order, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the United Kingdom.

...

*This has the effect of requiring an aerial application certificate for parachuting soft toys and sweet dropping. BKFA is seeking a blanket approval for this. The exclusions under paragraph 3 have no effect in this respect, relating to balloon ballast, tow ropes and life buoys etc.*

**Applies to kites over 2 kg only**

**Dropping of persons and grant of parachuting permissions**

- Article 67**
- (1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the United Kingdom except under and in accordance with the terms of either a police air operator's certificate or a parachuting permission granted by the CAA under this article.
  - (2) For the purposes of this article "dropping" includes projecting and lowering.
  - (3) Notwithstanding the grant of a police air operator's certificate or a parachuting permission, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.
  - (4) An aircraft shall not be used for the purpose of dropping persons unless:
    - (a) there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the CAA under this article; or

...

*This article would appear to rule out parachuting from kites since they are not certified for airworthiness.*

**Applies to all kites**

**Grant of aerial application certificates**

- Article 68**
- (1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).
  - (2) The CAA:
    - (a) shall grant an aerial application certificate if it is satisfied that the applicant is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1);
    - (b) may grant such a certificate subject to such conditions as it thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.
  - (3) Every applicant for and holder of an aerial application certificate shall make available to the CAA upon application and to every member of his

operating staff upon the certificate being granted, an aerial application manual.

- (4) The manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.
- (5) The holder of an aerial application certificate shall make such amendments or additions to the manual as the CAA may require.

*This article relates to sweet dropping and teddy parachuting etc. BKFA is seeking a blanket certificate under this article.*

***Applies to kites over 2 kg only***

**Carriage of weapons and of munitions of war**

**Article 69** (1) Subject to paragraph (6) an aircraft shall not carry any munition of war unless:

- (a) such munition of war is carried with the written permission of the CAA; and
- (b) subject to paragraph (2), the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the CAA.

(2) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate...

...

(4) Subject to paragraph (5), it shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless:

- (a) the sporting weapon or munition of war:
    - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
    - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
    - (iii) in the case of a firearm, is unloaded;
  - (b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences;
- and
- (c) without prejudice to paragraph (1) the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

...

(7) For the purposes of this article:

- (a) "munition of war" means:
  - ...
  - (ii) any article containing an explosive, noxious liquid or gas; or

- ...
- (b) "sporting weapon" means:
- ...
- (ii) any article containing an explosive, noxious liquid or gas; or
- ...
- which is not a munition of war.

*BKFA believes this article would be effective if fireworks are suspended from a kite weighing more than 2 kg. It will seek clarification from the CAA as to whether this was intended.*

***Applies to kites over 2 kg only***

**Carriage of dangerous goods**

- Article 70** (1) Without prejudice to any other provisions of this Order, the Secretary of State may make regulations prescribing:
- (a) the classification of certain articles and substances as dangerous goods;
  - (b) the categories of dangerous goods which an aircraft may not carry;
  - (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
  - (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
  - (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
  - (f) the persons to whom information about the carriage of dangerous goods must be provided;
  - (g) the documents which must be produced to the CAA or an authorised person on request; and
  - (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made hereunder.
- (2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.
- (3) The provisions of this article and of any regulations made thereunder shall be additional to and not in derogation from article 69.

***Applies to kites over 2 kg only***

**Endangering safety of an aircraft**

- Article 73** A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

***Applies to all kites***

**Endangering safety of any person or property**

- Article 74** A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

***Applies to kites over 2 kg only***

**Flying Displays**

- Article 80**
- (1) No person shall act as the organiser of a flying display (in this article referred to as “the flying display director”) unless he has obtained the permission in writing of the CAA under paragraph (5) for that flying display.
  - (2) The commander of an aircraft who is:
    - (a) intending to participate in a flying display shall take all reasonable steps to satisfy himself before he participates that:
      - (i) the flying display director has been granted an appropriate permission under paragraph (5);
      - (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
      - (iii) the pilot has been granted an appropriate pilot display authorisation; or
    - (b) participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.
  - (3) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.
  - (4) The flying display director shall not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.
- ...
- (11A) Paragraphs (1), (2), (3) and (4) shall not apply to a flying display at which the only participating aircraft are balloons.

*It appears BKFA that the intent here would be that the exclusion applied to balloons would also apply to kites. The exclusion in 11A appears to render the whole article irrelevant for balloons. BKFA will seek clarification on this.*

***Applies to kites over 2 kg only***

**Revocation, suspension and variation of certificates, licences and other documents**

- Article 92**
- (1) Subject to paragraphs (5) and (6), the CAA may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.
  - (2) The CAA may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.
  - (3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the CAA within a reasonable time after being required to do so by the CAA.

- (4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

...

- (6) Notwithstanding paragraph (1), a flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the CAA, whether or not after due inquiry.

***Applies to kites over 2 kg only***

**Offences in relation to documents and records**

**Article 94** (1) A person shall not with intent to deceive:

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order or by or under Part 21, 66, 145, 147 or M which has been forged, altered, revoked or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order or by or under Part 21, 66, 145, 147 or M to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.

- (2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order or by or under Part 21, 66, 145, 147 or M to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.
- (3) All entries made in writing in any log book or record referred to in paragraph (2) shall be made in ink or indelible pencil. ...
- (5) A person shall not purport to issue any certificate for the purposes of this Order, of any regulations made thereunder or of Part 21, 66, 145, 147 or M unless he is authorised to do so under this Order or Part 21, 66, 145, 147 or M as the case may be.
- (6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

***Applies to kites over 2 kg only***

**Rules of the Air**

- Article 95** (1) Without prejudice to any other provision of this Order, the Secretary of State may make regulations (in this article called the “Rules of the Air”) prescribing:
- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
  - (b) the lights and other signals to be shown or made by aircraft or persons;
  - ...
  - (d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.
- (2) Subject to paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.
- (3) It shall be lawful for the Rules of the Air to be departed from to the extent necessary:
- (a) for avoiding immediate danger;
  - ...
- (4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the CAA.
- (5) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

***Paragraph 1 applies to all kites, the whole of article 96 applies to kites over 2 kg***

**Power to prohibit or restrict flying**

- Article 96** (1) Where the Secretary of State deems it necessary in the public interest to restrict or prohibit flying by reason of:
- (a) the intended gathering or movement of a large number of persons;
  - (b) the intended holding of an aircraft race or contest or of a flying display; or
  - (c) national defence or any other reason affecting the public interest;
- the Secretary of State may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2).
- (2) The aircraft and circumstances referred to in paragraph (1) are:
- (a) aircraft, whether or not registered in the United Kingdom, in any airspace over the United Kingdom or in the neighbourhood of an offshore installation; and

...

- (3) Regulations made under this article may apply either generally or in relation to any class of aircraft.
- (4) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

***Applies to all kites***

**Balloons, kites, airships, gliders and parascending parachutes**

**Article 97** (1) The provisions of this article shall apply only to or in relation to aircraft within the United Kingdom.

...

- (3) Without the permission of the CAA:

...

- (d) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (e) a kite shall not be flown at a height of more than 60 metres above ground level;
- (f) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome.

***Applies to kites over 2 kg only through voluntary reporting arrangements***

**[Mandatory] reporting of occurrences**

**Article 142** (1) The objective of this article is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.

- (2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.
- (3) This article shall apply to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.
- (4) Without prejudice to the generality of paragraph (3), a list of examples of these occurrences is set out in Annexes I and II (and their Appendices) of Directive 2003/42 of the European Parliament and of the Council of 13th June 2003 on occurrence reporting in civil aviation(a).

...

- (19) The CAA shall put in place a system of voluntary reporting to collect and analyse information on observed deficiencies in aviation which are not required to be reported under the system of mandatory reporting, but which are perceived by the reporter as an actual or potential hazard.
- (20) Voluntary reports presented to the CAA under paragraph (19) shall be subjected to a process of disidentification by it where the person making the report requests that his identity is not recorded on the databases.
- (21) The CAA shall ensure that relevant safety information deriving from the analysis of reports, which have been subjected to disidentification, are stored and made available to all parties so that they can be used for improving safety in aviation.

***Applies to kites over 2 kg only***

**Mandatory reporting of birdstrikes**

- Article 143** (1) Subject to the provisions of this article, the commander of an aircraft shall make a report to the CAA of any birdstrike occurrence which occurs whilst the aircraft is in flight within the United Kingdom.
- (2) The report shall be made within such time, by such means and shall contain such information as may be prescribed and it shall be presented in such form as the CAA may in any particular case approve.
- (3) Nothing in this article shall require a person to report any occurrence which he has reported under article 142 or which he has reason to believe has been or will be reported by another person to the CAA in accordance with that article.
- (4) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.
- (5) In this article “birdstrike occurrence” means an incident in flight in which the commander of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.

*It seems unlikely that the CAA expects reports of bird strikes with kites. BKFA will clarify this.*

***Paragraph 1 (b) (c) applies to all kites, the whole of article 144 applies to kites over 2 kg***

**Power to prevent aircraft flying**

- Article 144** (1) If it appears to the CAA or an authorised person that any aircraft is intended or likely to be flown:
- (a) in such circumstances that any provision of article 3, 5, 6, 8, 25, 26, 43, 62, 69, 70 or 75(2) would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any other provision of this Order, of any regulations made thereunder or of Part 21, 145 or M and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any regulations made thereunder or of Part 21, 145 or M;
- the CAA or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the CAA or by an authorised person, and the CAA or that authorised person may take such steps as are necessary to detain the aircraft.
- (2) For the purposes of paragraph (1) the CAA or any authorised person may enter upon and inspect any aircraft.

***Applies to kites over 2 kg only***

**Right of access to aerodromes and other places**

**Article 145** (1) Subject to paragraph (2), the CAA and any authorised person shall have the right of access at all reasonable times:

...

- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or he has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order; and

***Applies to kites over 2 kg only***

**Obstruction of persons**

**Article 146** A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

***Applies to kites over 2 kg only***

**Directions**

**Article 147** (1) Where any provision of this Order or any regulations made thereunder gives to a person the power to direct, the person to whom such a power is given shall also have the power to revoke or vary any such direction.

- (2) Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

***Applies to kites over 2 kg only***

**Penalties**

**Article 148** (1) If any provision of this Order, or any regulations made thereunder or of Part 21, 145 or M is contravened in relation to an aircraft, the operator of that aircraft and the commander and, in the case of a contravention of article 138, the charterer of that aircraft, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

- (2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order, or any regulations made thereunder or of Part 21, 66, 145, 147 or M was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

...

- (4) If any person contravenes any provision of this Order, or any regulations made thereunder or of Part 21, 66, 145, 147 or M not being a provision referred to in paragraph (5), (6) or (7), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

- (5) If any person contravenes any provision specified in Part A of Schedule 14 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 4 on the standard scale.
- (6) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both.
- (7) If any person contravenes any provision specified in Part C of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine or imprisonment for a term not exceeding five years or both.

***Applies to kites over 2 kg only***

**Exemption from Order**

**Article 153** The CAA may exempt from any of the provisions of this Order (other than articles 85, 87, 93, 138, 139, 140, 141 or 154) or any regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

***Article 155 (1) and (2) applies to all kites, the rest of article 155 applies to kites over 2 kg only. BKFA have only included here those definitions that are relevant to kites.***

**Definitions**

**Article 155 (1)** ...

'Authorised person' means:

- (a) any constable;
- (b) in article 144(3) and (4) any person authorised by the Secretary of State (whether by name, or by class or description) either generally or in relation to a particular case or class of cases; and
- (c) in article 144(1) and (2) and in any article other than article 144, any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

'Basic EASA Regulation' means Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency;

'Certificate of airworthiness' includes in the case of a national certificate of airworthiness any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

'EASA' means the European Aviation Safety Agency;

'Commander' in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

'EASA aircraft' means an aircraft which is required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

'Non-EASA aircraft' means an aircraft which is not required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly; and a non-EASA balloon, a non-EASA glider and a non-EASA kite shall be construed accordingly;

'Flying machine' means an aeroplane, a powered lift tilt rotor aircraft, a self-launching motor glider, a helicopter or a gyroplane;

'Non-EASA aircraft' means an aircraft which is not required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly; and a non-EASA balloon, a non-EASA glider and a non-EASA kite shall be construed accordingly;

'Parascending parachute' means a parachute which is towed by cable in such a manner as to cause it to ascend;

'Small aircraft' means any unmanned aircraft, other than a balloon or a kite, weighing not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

'Small balloon' means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

'Valuable consideration' means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;

- (2) An aircraft shall be deemed to be in flight:

...

- (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;

and the expressions 'a flight' and 'to fly' shall be construed accordingly.

*BKFA notes that there is no definition of 'flight' and 'to fly' for kites. This will be discussed with CAA.*

- (3) Subject to paragraph (4), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.
- (5) References in this Order to:
- (a) a certificate of airworthiness include both a national certificate of airworthiness and an EASA certificate of airworthiness unless otherwise stated;

- (b) an aircraft, aeroplane, powered lift tilt rotor aircraft, self-launching motor gilder, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples unless otherwise stated.

***Applies to kites over 2 kg only***

**Meaning of aerodrome traffic zone**

- Article 156** (1) The aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as 1850 metres or less shall be, subject to paragraphs (2) and (5), the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles.
- (2) Where the aerodrome traffic zone specified in paragraph (1) would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome and this paragraph is notified as being applicable, the aerodrome traffic zone shall be that specified in paragraph (3) as though the length of the longest runway at the aerodrome were notified as greater than 1850 metres.
- (3) The aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as greater than 1850 metres shall be, subject to paragraph (5), the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2½ nautical miles.
- (4) The aerodrome traffic zone of a notified aerodrome which is on an offshore installation shall be, subject to paragraph (5), the airspace extending from mean sea level to 2000 feet above mean sea level and within 1½ nautical miles of the offshore installation.
- (5) The aerodrome traffic zone of a notified aerodrome shall exclude any airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this article as being the controlling aerodrome.

*BKFA believes this article should apply to all kites. The question will be discussed with CAA.*

***Applies to kites over 2 kg only***

**Exceptions from application of provisions of the Order for certain classes of aircraft**

**Article 164** The provisions of this Order other than articles 68, 74, 96(1), 97, 98, 144(1)(b) and (c), 155(1) and (2) [definitions] shall not apply to or in relation to:

- (a) any small balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any small aircraft; or
- (d) any parachute including a parascending parachute.

***Applies to kites over 2 kg only***

**Approval of persons to furnish reports**

**Article 165** In relation to any of its functions under any of the provisions of this Order the CAA may approve a person as qualified to furnish reports to it and may accept such reports.

***Applies to kites over 2 kg only***

**Certificates, authorisations, approvals and permissions**

**Article 166** Wherever in this Order there is provision for the issue or grant of a certificate, authorisation, approval or permission by the CAA, unless otherwise provided, such a certificate, authorisation, approval or permission:

- (a) shall be in writing;
- (b) may be issued or granted subject to such conditions as the CAA thinks fit;
- (c) may be issued or granted, subject to article 92, for such periods as the CAA thinks fit.

***Applies to kites over 2 kg only***

**Competent authority**

**Article 167** (1) The CAA shall be:

- (a) the national aviation authority of the United Kingdom for the purposes of Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency; and
  - (b) the competent authority of the United Kingdom for the purposes of:
    - (i) Commission Regulation (EC) No. 1702/2003 of 24th September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations; and
    - (ii) Commission Regulation (EC) No. 2042/2003 of 20th November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.
  - (c) the competent authority of the United Kingdom for the purposes of Annex III of Council Regulation (EEC) No 3922/91 of 16th December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation
- (2) The Secretary of State shall be the competent authority under article 15 of Council Directive 96/29/Euratom of 13th May 1996 for the purposes of article 42 of the Directive.

***Applies to kites over 2 kg only***

**Saving**

**Article 168** (1) Subject to articles 128 and 130, nothing in this Order or any regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

- (2) Nothing in this Order shall oblige the CAA to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

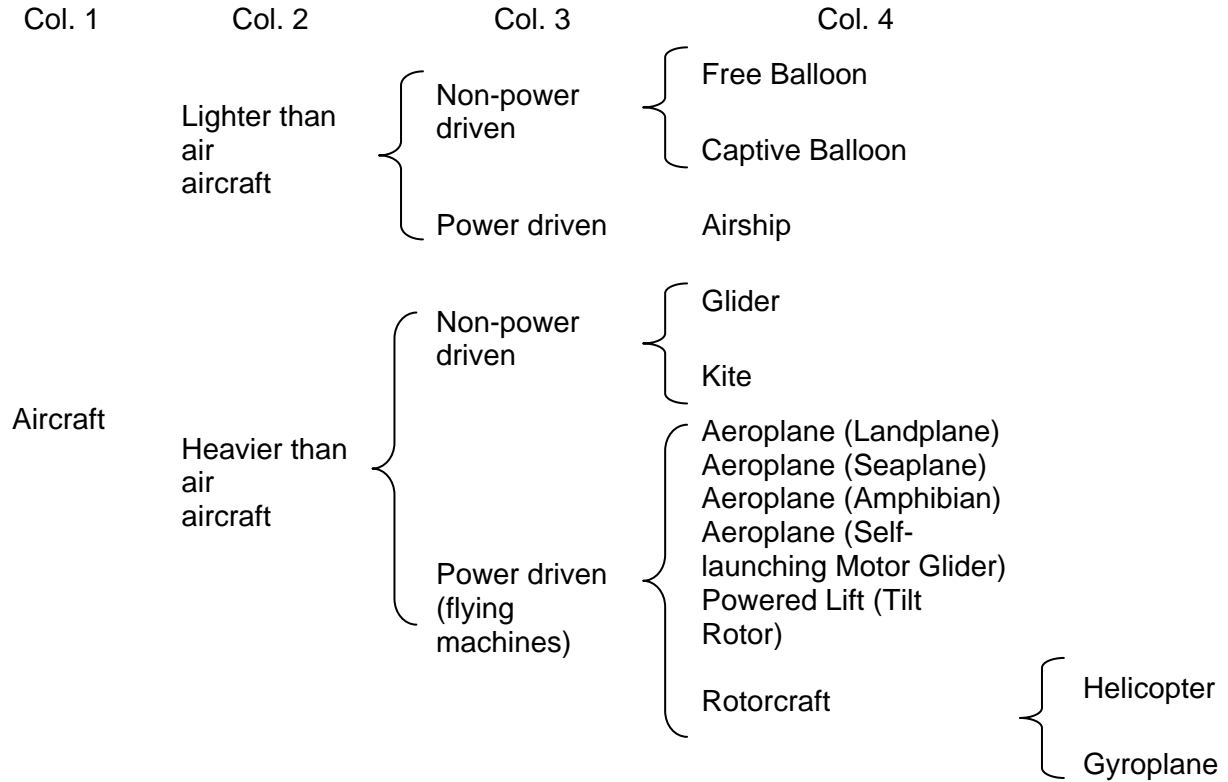
**SCHEDULE 2**

**CLASSIFICATION AND MARKING OF AIRCRAFT**

**PART A**

**Articles 4(6) and 155(6)**

**Classification of aircraft**



## **THE RULES OF THE AIR 2007** (Statutory Instrument 2007 No.734)

*Within the Rules the word 'aircraft' does not appear to have been used in the same way as within the Order. BKFA will discuss this with the CAA.*

### **Application of Rules to aircraft**

- 2 These Rules, insofar as they apply to aircraft, shall apply:
  - (a) to all aircraft within the United Kingdom;
  - (b) for the purposes of rule 5, to all aircraft in the neighbourhood of an offshore installation;and
  - (c) to all aircraft registered in the United Kingdom, wherever they may be.

### **Reporting hazardous conditions**

- 4 (1) If any aircraft encounters hazardous conditions in the course of a flight, the commander of the aircraft shall send to the appropriate air traffic control unit, by the quickest means available to him, information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.
- (2) The information shall be sent immediately the aircraft encounters the hazardous conditions or as soon as it is possible to do so afterwards.

### **Exemptions from the low flying prohibitions**

- 6 The exemptions from the low flying prohibitions are as follows:
  - (a) Landing and taking off
    - (i) Any aircraft shall be exempt from the low flying prohibitions in so far as it is flying in accordance with normal aviation practice for the purpose of:
      - (aa) taking off from, landing at or practising approaches to landing at; or
      - (bb) checking navigational aids or procedures at, a Government or licensed aerodrome.
    - (ii) Any aircraft shall be exempt from the 500 feet rule when landing and taking-off in accordance with normal aviation practice or air-taxiing.
  - (b) Captive balloons and kites  
None of the low flying prohibitions shall apply to any captive balloon or kite.

### **Captive balloons and kites at night**

- 52 (1) A captive balloon or kite flying at night at a height exceeding 60 metres above the surface shall display lights in accordance with paragraphs (2), (3) and (4).
- (2) A group of two steady lights shall be displayed consisting of a white light placed 4 metres above a red light, both being of at least five

candela and showing in all directions, the white light being placed not less than 5 metres nor more than 10 metres below the basket or, if there is no basket, below the lowest part of the balloon or kite.

- (3) On the mooring cable of the balloon or kite, at intervals of not more than 300 metres measured from the group of lights specified in paragraph (2), there shall be displayed:
  - (a) groups of two lights of the colour and power and in the relative positions specified in paragraph (2); and
  - (b) if the lowest group of lights is obscured by cloud, an additional group of such lights below the cloud base.
- (4) On the surface of the ground there shall be displayed a group of three flashing lights arranged:
  - (a) in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measures at least 25 metres;
  - (b) so that one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights; and
  - (c) so that the third light shall be a green light, placed so that the triangle encloses the object on the surface to which the balloon or kite is moored.

#### **Captive balloons and kites by day**

- 53
- (1) A captive balloon flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable tubular streamers which are:
    - (a) not less than 40 centimetres in diameter and 2 metres in length; and
    - (b) marked with alternate bands of red and white 50 centimetres wide at intervals of not more than 200 metres measured from the basket or, if there is no basket, from the lowest part of the balloon.
  - (2) A kite flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable either:
    - (a) tubular streamers as specified in paragraph (1); or
    - (b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers not less than 80 centimetres long and 30 centimetres wide at their widest point, marked with alternate bands of red and white 10 centimetres wide.

Comprehensive details of the Order and associated Rules are contained in CAP393, available for download as a .pdf file on the CAA website, [www.caa.co.uk](http://www.caa.co.uk)

For height clearance to fly above 60m (30m within an aerodrome traffic zone) or for aerial application certification, contact

Airspace Utilisation Section  
Directorate of Airspace Policy  
Civil Aviation Authority  
K1  
45-59 Kingsway  
London WC2B 6TE  
Direct Dial: 020 7453 6599 or 6585  
Fax: 020 7453 6593

Applications for height clearance may now be made by email. The form is included below and it should be sent, together with a scan of the required marked up Ordnance Survey map to: [david.miller@dap.caa.co.uk](mailto:david.miller@dap.caa.co.uk)

Jerry Swift  
September 2008

## Appendix A

Articles covering kites weighing more than 2 kg which are believed to be relevant are shown in **bold type** whilst those for all kites are listed in underlined type

Article	Effect
<b>THE AIR NAVIGATION ORDER 2005</b>	
1, 2	Citation, commencement and revocation
<b>3</b>	<b>Article 3 (4) specifically excludes kites (Referred to as “Excluded by 3 (4)” in this appendix)</b>
4 - 7	Excluded by 3 (4)
<b>8</b>	<b>Article 8 (2) (c) Removes the requirement for a certificate of airworthiness for a “non-EASA” kite. There is currently no such aircraft as an “EASA kite”, so this exclusion is in effect all encompassing (Referred to as “Excluded by 8 (2) (c)” in this appendix)</b>
9 – 12	Excluded by 8 (2) (c) refers to airworthiness and equipment
13 – 14	Excluded by 3 (4) refers to airworthiness and equipment
15 – 16	Excluded by 8 (2) (c) refers to airworthiness and equipment
17	Excluded as not EASA aircraft
18	Excluded by 8 (2) (c) refers to airworthiness and equipment
19 – 22	Excluded by 3 (4) refers to airworthiness and equipment
23 – 24	Excluded by 8 (2) (c) refers to airworthiness and equipment
25 – 37	Excluded by 3 (4) refers to aircrew
38 – 44	Excluded by 8 (2) (c) refers to aircraft operations
45	Excluded by 3 (4) refers to helicopter operations
46 – 51	Excluded by 3 (4) refers to aircraft operations
<b>52</b>	<b>Pre-flight action by commander may apply as it is not excluded by either 3 (4) or 8 (2) (c). Refers to everything except kites. <b>BKFA to seek clarification</b></b>
52A – 61	Excluded by 3 (4) refers to aircraft operations
61A	Excluded as specifically applicable only to aeroplanes
62 – 62A	Excluded as kites are not included in Schedule 4
63	Excluded as only applies to towing of gliders
64	Excluded as specifically applicable only to self-sustaining gliders
<b>65</b>	<b>Towing, picking up and raising of persons and articles. <b>May have the effect of prohibiting man-lifting without appropriate permissions but does allow the lifting of “instrument [s] required for experimental purposes”.</b></b>
<b>66</b>	<b>Dropping of articles or animals. Prohibits the dropping of animals or objects, by parachute or otherwise, without an aerial application certificate in place.</b>
<b>67</b>	<b>Dropping of persons and grant of parachuting permissions. Requires a parachuting permission and aircraft to have certificate of airworthiness to be in place before allowing parachuting from an aircraft. <b>This appears to rule out the use of kites.</b></b>
<b>68</b>	<b><u>Grant of aerial application certificates. Required to allow dropping of anything from kites.</u></b>
<b>69</b>	<b>Carriage of weapons and munitions of war. <b>Would apply in the event that fireworks were suspended from kites.</b></b>
<b>70</b>	<b>Carriage of dangerous goods. Allows the Secretary of State to make regulations about the carriage of dangerous goods by aircraft. Is not</b>

- specific about what they are but stipulates this is additional to Article 69.
- 72 – 72A Excluded by 3 (4) refers to aircraft operations
- 73 **Endangering safety of an aircraft. Forbids anyone from endangering an aircraft.**
- 74 **Endangering safety of any person or property. Forbids use of an aircraft so as to cause danger.**
- 75 – 79 Excluded as refers to people in an aircraft.
- 80 ***Flying displays. As written, this Article would appear to apply to kites. Paragraph (11) specifically excludes balloons and BKFA will seek extension of this paragraph since this would appear to be the intent.***
- 81 – 85 Excluded by 3 (4) refers to aircrew
- 86 – 91 Excluded by 3 (4) refers to documentation and records requirements
- 92 **Revocation, suspension and variation of certificates, licences and other documents**
- 93 Excluded as Articles 138 and 140 do not apply
- 94 **Offences in relation to documents and records**
- 95 **Rules of the air**
- 96 **Power to prohibit or restrict flying**
- 97 **Balloons, kites, airships, gliders and parascending parachutes**
- 98 Excluded as Article 155 defines ‘small aircraft’ as excluding kites
- 99 Excluded as specifically applies to rockets
- 100 – 125 Excluded as specifically applies to air traffic services
- 126 – 137 Excluded as specifically applies to aerodromes and ground lighting
- 138 – 141 Excluded as kites are not registered aircraft
- 142 ***Mandatory reporting of occurrences. The mandatory element does not apply to kites but paragraphs (19) and (20) allow for voluntary reporting of occurrences that the reporter believes are actually or potentially hazardous. BKFA will seek a review of this.***
- 143 ***Mandatory reporting of birdstrikes. The Article does not exclude kites. BKFA will seek a review of this***
- 144 **Power to prevent aircraft flying**
- 144A Excluded as relates to power to prevent foreign aircraft flying
- 144B Excluded as relates to 144A
- 144C Excluded as relates to 144B
- 145 **Right of access to aerodromes and other places. Authority to access any place where an aircraft has landed**
- 146 **Obstruction of persons**
- 147 **Directions**
- 148 **Penalties**
- 149 Excluded as specifically applies to aircraft registered in UK or operating on or in the neighbourhood of offshore installations
- 150 Excluded as specifically applies to aircraft in transit over the UK
- 151 Excluded as kites are not registered aircraft
- 152 Excluded as specifically refers to aircraft owned by the crown and military aircraft
- 153 **Allows the CAA to exempt from much of the order as it sees fit**
- 154 Excluded as specifically applies to licence holders
- 155 **Interpretation of terms used in the order**
- 156 **Defines the relevant control areas for different types of aerodrome**
- 157 – 163 Excluded as specifically applies to aerial work which is defined under 156 as requiring payment. 157 – 163 then define this ‘valuable consideration’ which would appear to exclude even displays for which payment is made,

provided this payment is not greater than a contribution towards reasonable expenses and the cost of the aircraft.

- 164 **Excludes kites weighing not more than 2 kg from much of the Order. Articles covering kites weighing more than 2 kg which are believed to be relevant are shown in bold type whilst those for all kites are listed in underlined type**
- 165 **Allows the CAA to authorise people to make reports**
- 166 **Defines how the CAA grants licences, approvals etc**
- 167 **Defines the competency of the CAA**
- 168 **Places certain limitations on the Order**
- Schedule 1 Revoked orders**
- Schedule 2 Part A sets out classification of aircraft (including kites). Kites excluded by paragraph 2 (1) in the Part B of the schedule**
- Schedule 3 - 6 Excluded by Article 3 (4)
- Schedule 7 - 10 Excluded as relate to aircrew
- Schedule 11 - 13 Excluded as relate to air traffic services and aerodromes
- Schedule 14 Penalties**
- Schedule 15 Excluded as relates to over-sea transit flights

#### THE RULES OF THE AIR REGULATIONS 2007

- 1 **Interpretation**
- 2 **Application of Rules to aircraft**
- 3 Excluded as Section 9 of the Regulations does not apply to kites
- 4 ***Reporting hazardous conditions – does not exclude kites. BKFA to seek review***
- 5 Excluded by Rule 6
- 6 Exempts kites from Rule 5
- 7 - 48 ***These rules would all appear to apply to aircraft except kites, but kites have not been excluded. BKFA to seek review***
- 49 Excluded as specifically applies to flying machines
- 50 Excluded as specifically applies to gliders
- 51 Excluded as specifically applies to free balloons
- 52 **Captive balloons and kites at night**
- 53 **Captive balloons and kites by day**
- 54 - 55 Excluded as specifically applies to airships
- 56 - 64 Excluded as apply to aerodrome markings, ground signals etc

#### THE AIR NAVIGATION (GENERAL) REGULATIONS 2006

- 1 – 13 Excluded as refer to Articles in the Order that do not apply to kites
- 14 – 15 **Mandatory reporting and mandatory reporting of birdstrikes: *may apply as they refer to article 142 and 143 of the Order. BKFA to seek review***
- 16 – 19 Excluded as refer to Articles in the Order that do not apply to kites
- Schedules Excluded as refer to Articles in the Order that do not apply to kites

#### THE AIR NAVIGATION (COSMIC RADIATION) (KEEPING OF RECORDS) REGULATIONS

Does not apply

## **PERMANENT AIR NAVIGATION (RESTRICTION OF FLYING) REGULATIONS**

Article 96 of the Order refers

**The Air Navigation (Restriction of Flying) (Scottish Highlands) Regulations 1981**  
Restricts flying between 1500 – 2300 Monday to Thursday below variously 5,000 feet and 2,000 feet in several specified areas of the Scottish Highlands

**The Air Navigation (Restriction of Flying) (Scampton) Regulations 2000**  
Restricts flying at any time when Scampton is open for use by aircraft below 9,500 feet within a 5 mile radius circle centred on the airfield

**The Air Navigation (Restriction of Flying) (Nuclear Installations) Regulations 2007**  
Restricts flying in relation to a number of nuclear plants, within a radius of between 0.5 and 2 miles and below between 1,000 and 2,700 feet

The Air Navigation (Restriction of Flying) (Prisons) Regulations 2001  
Restrictions only apply to helicopters

The Air Navigation (Restriction of Flying) (Highgrove House) Regulations 1991  
Applies only to helicopters and microlight aeroplanes

The Air Navigation (Restriction of Flying) (Specified Area) Regulations 2005  
Applies only to helicopters

**The Air Navigation (Restriction of Flying) (Hyde Park) Regulations 2004**

**The Air Navigation (Restriction of Flying) (Isle of Dogs) Regulations 2004**

**The Air Navigation (Restriction of Flying) (City of London) Regulations 2004**  
Restricts flying below 1,400 feet in the specified areas.  
*BKFA to seek a review*

## **THE CIVIL AVIATION AUTHORITY REGULATIONS**

Gives regulations on how the CAA will conduct its business

## **THE AIR NAVIGATION (DANGEROUS GOODS) REGULATIONS 2002**

Does not apply

## **Appendix B**

# **CAP 658**

## **Model Aircraft: A Guide to Safe Flying**

### **Chapter 2 Legal Requirements**

#### **1 Definition of a Small Aircraft**

Any unmanned aircraft, other than a balloon or kite, weighing not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight.

The term 'small aircraft' is used in the ANO, rather than 'model aircraft' so that Unmanned Aerial Vehicles (UAVs) and other flying machines, are captured. This publication is specifically written to cover 'small' aircraft used for sporting and recreation purposes and therefore the term 'model' aircraft is used throughout.

A model aircraft is excluded from the vast majority of the regulations applied to other aircraft. The regulations which DO apply are explained briefly in Annex B.

However, the most important – Articles 74 and 98 of the Air Navigation Order deserve fuller explanation.

##### **1.1 Article 74**

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

All model flying activity is controlled by this article of the ANO and it is important that the operator of any model aircraft should bear this in mind at all times.

##### **1.2 Article 98**

Article 98 contains additional requirements to fly model aircraft safely.

Article 98 states:

- "(1) A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small aircraft so as to endanger persons or property.
  
- (2) The person in charge of a small aircraft which weighs more than 7 kg without its fuel but including any article or equipment installed in or attached to the aircraft at the commencement of its flight shall not fly such an aircraft:
  - (a) unless the person in charge of the aircraft has reasonably satisfied themselves that the flight can be safely made;
  - (b) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
  - (c) within an aerodrome traffic zone during notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained;
  - (d) at a height exceeding 400ft above the surface unless it is flying in airspace described above and in accordance with the requirements thereof;

- (e) for aerial work purposes other than in accordance with a permission issued by the CAA which may be issued subject to such conditions as the CAA thinks fit.”

- 1.3 This means that the legal requirement for safety is placed firmly on the operator of the model and the guidelines in Chapter 5 show what are considered reasonable conditions for the operation of models.

Models weighing up to 20 kg are therefore catered for by Article 74 and by the conditions of Article 98 used in conjunction with the advice of this publication.

A different treatment is needed for models weighing more than 20 kg.

## **2 Models Over 20 kg**

NOTE: All model aircraft, except pure gliders, weighing more than 20 kg (weight of model and equipment, but excluding fuel) require an exemption to fly.

- 2.1 An EXEMPTION is used to allow an exception to the established law. Such an exception is usually only made subject to various additional conditions to ensure adequate safety.
- 2.2 A model aircraft, except a pure glider weighing over 20 kg can only be operated under the terms of an Exemption issued by the CAA. If you are planning to build a very large model, please first read Chapter 3 and contact one of the modelling associations or the CAA to see if the proposed model is likely to be acceptable.
- 2.3 It is unlikely that an exemption will be issued without the condition that the model must be flown within the ‘control’ of a recognised model association and at a suitable site.
- 2.4 The maximum weight for a model aircraft to be treated under the guidelines of CAP 658 is 150kg. Above this weight full airworthiness regulations may apply. Builders contemplating the construction of a model weighing more than 150 kg should contact the CAA prior to commencing construction.

## **3 Article 73**

“A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.”

Article 73 refers to people in an aircraft endangering the aircraft or persons therein, whereas Article 74 refers to persons outside aircraft endangering aircraft. Obviously only Article 74 can apply to a model aircraft. However, technically Article 73 does apply to models over 20 kg.

## **Annex B Relevant Legislation**

Model aircraft are exempt from most of the rules, or Articles, of the Air Navigation Order which contains the statutory requirements for the operation of aircraft in United Kingdom airspace.

- Article 164 specifies exemption from the Order, except for the following Articles:
- Article 68 Aircraft must not be used for agricultural aerial application (crop spraying) unless the operator has an Aerial Application Certificate issued by the Authority.

- Article 74 Endangering persons or property with an aircraft. See Chapter 2.
- Article 96(1) The Secretary of State has the right to prohibit, restrict or impose conditions on flight.
- Article 97 Rules for flying balloons, kites, airships, gliders and parascending parachutes.
- Article 98 Rules for flying Small Aircraft (including model aircraft); see Chapter 5.
- Article 99 Rules for flying model rockets (see Chapter 7.3).
- Article 144(1)(b) and (c) Authority power to prevent aircraft flying.
- Article 155(1) and (2) Definitions.