OPERATING A SMALL UNMANNED AIRCRAFT (SUA) IN THE FALKLAND ISLANDS

The Falkland Islands Civil Aviation Department (FICAD) wants to ensure that anyone operating an SUA in the Falkland Islands is doing so safely and responsibly and, if required, in accordance with a Permission. The following information provides guidance on the Regulations, advice on when to apply for a Permission and details of other things you may need to consider when operating an SUA in the Islands.

Regardless of whether you require a Permission, the Regulations detailed in this Information Sheet must be followed by all SUA Operators at all times.

THE REGULATIONS

Article 73 of the AN(OT)O states that:

1. You must not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property;

2. You may only fly the aircraft if reasonably satisfied that the flight can safely be made;

3. You must maintain direct, unaided visual contact with the aircraft at all times, sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions;

4. Except in accordance with a permission issued by the Governor (the DCA in this instance), the person in charge of a small unmanned aircraft must not fly it:-

    a. At a height of more than 400 feet above the surface;
    b. For aerial work;
    c. Within 400 feet of an open-air assembly of more than 400 persons;
    d. Within 150 feet of any person, other than the operator or any person accompanying the operator;
    e. Within 150 feet of any vehicle, vessel or structure which is not under the control of the person in charge of the small unmanned aircraft; or
    f. Within the boundary of an aerodrome.

5. A small unmanned aircraft shall be operated in such a manner as to minimise hazards to persons, property or other aircraft;

6. If it appears to the DCA or an authorised person that the aircraft is intended or likely to be flown in such circumstances that the flight would be in contravention of any other provision of the AN(OT)O or of any regulation made under it, and be a cause of danger to any person or property, that person may Direct you not to permit the aircraft to make a particular flight or any other flight until such a Direction has been revoked.

These Regulations must be followed at all times, unless otherwise permitted by the Falkland Islands Civil Aviation Department.

DO I NEED A PERMISSION?

If the planned activity with your SUA fits either of the descriptions below you will need a Permission from FICAD:

1. Aerial Work Permission
   Article 73 of the Air Navigation (Overseas Territories) Order 2013 (AN(OT)O) states that the Person in Charge (PiC) of a small unmanned aircraft must not fly the aircraft for the purposes of aerial work* except in accordance with a permission granted by the Governor**

   This is the most common Permission required for SUA Operations, it permits an SUA operator to conduct aerial work whilst adhering to all of the relevant SUA Regulations as laid out in Article 73 of the AN(OT)O. Examples of when an Aerial Work Permission would be required are:
   - Film makers who will be using the footage in film production for fiction/documentary/promotional/educational purposes, or selling the footage to a third party;
   - Photographers who will be selling images directly or through a third party, or using the images for other promotional or commercial purposes;
   - Surveyors and other individuals or companies who provide a paid-for surveillance or footage/image collecting service.

2. Permission to fly an SUA in a manner other than as required by Article 73 of the AN(OT)O 2013
   Article 73 of the AN(OT)O states that the person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (4) (abbreviated below) except in accordance with a permission issued by the Governor**:
   1. At a height of more than 400 feet above the surface;
   2. Over or within 400 feet of an organised open-air assembly of more than 400 persons;
   3. Within 150 feet of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft;
   4. Within 150 feet of any person other than the operator or any person accompanying the operator;
   5. Within the boundary of an aerodrome.

   This type of Permission is less common, as it is essentially seeking permission to operate an SUA outside the limits set by Article 73 of the AN(OT)O. The Regulations are set with safety in mind so an applicant would have to provide evidence as to why they could not operate within the Regulations, and what steps they intend to take to ensure that the operation is conducted safely.

** Aerial Work is defined by the AN(OT)O as meaning any purpose (other than commercial air transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or purpose of the flight. If the only such valuable consideration consists of remuneration for the services of the pilot, the flight is deemed to be a private flight [and therefore not considered to be Aerial Work].*

***For the purposes of this article the Governor refers to the Director of Civil Aviation, Falkland Islands.*

If you do need a Permission you can request an Application Form from the Civil Aviation Department office – civilaviation@sec.gov.fk or from our website - https://www.gov.fk/civilaviation/drones-suas/

If the planned activities with your SUA do not fit either of the above descriptions then it is likely you do not require a Permission – however if you are in any doubt please contact the office, either by telephone or email, to discuss the details and we can provide the necessary advice.

Even if you have determined that you do not a require a Permission you must still follow the Regulations.

AVIATION CONSIDERATIONS

Civil and military aircraft operate in the Falkland Islands on a daily basis. Movements and flight altitudes are varied which means that drone operators must be vigilant when operating their equipment. Both Stanley Airport and Mount Pleasant Airport monitor their aircraft movements Island-wide and aircraft may fly low and fast at any time.

Regardless of where you plan to operate your drone, it is essential to contact both airports before you launch.
The phone number for **Mount Pleasant** Air Traffic Control (ATC): **(+500) 73661.** If no answer, call: **(+500) 56941**;
If calling is not possible the email address for Mount Pleasant ATC is:
CSOCIGDN-BFSAI-ATC-Business@mod.gov.uk
The phone number for the **Stanley Airport** air traffic service: **(+500) 27301**;
If calling is not possible the email address for Stanley Airport is StanleyInformation@figas.gov.fk
If either airport asks you to delay or cancel your intended SUA flight then please do so.
(Direction 26_OTO_D1292 issued by the Falkland Islands Civil Aviation Department mandates that this rule must be followed by all operators, whether you need a permission, or not.)

The Stanley Airport **Air Traffic Zone (ATZ)** extends horizontally on a 4 mile radius from the airport encompassing the town of Stanley and operators need to be aware of this.

If you hear or see another aircraft you should ensure that your drone is not in its flight path. If you are unsure then land your equipment and resume operations when there are no other aircraft in your vicinity.

The application form asks for a contact number whilst operating in the Falkland Islands. This is so that you may be contacted if any of the relevant agencies have any queries. If you do not know a contact number at the time of application, it can be supplied at a later date, providing it is before you start to operate. It is expected that you make all practical efforts to be contactable whilst operating in the Falklands.

YOUR RESPONSIBILITIES

Operating Firmware: The SUA's operating system must be installed with the current firmware.

Insurance: Liability insurance is not a mandatory requirement, but it is best practice to have cover for your intended operations. A Permission issued by FICAD meets the requirements of aviation legislation but doesn't absolve the PiC of the SUA from the responsibility of holding adequate valid liability insurance to cover the intended SUA flights.

Wildlife: When using an SUA near wildlife the PiC must always adhere to the Falkland Islands Countryside Code. For more information regarding environmental regulations and legislation please contact the Falkland Islands Government Environmental Planning Department on (+500) 28449 or environment@sec.gov.fk

Private Land: Outside of Stanley almost all of the land is privately owned. Please ensure that you have landowner permission prior to commencing any SUA flights on and over private land.

Media Accreditation: It may be that you need Accreditation for your intended SUA flights. Please contact the Falkland Islands Government PR, Media & Communications Office on (+500) 27400 or communications.head@sec.gov.fk for more details.

If you have any questions about any part of this document please contact the Falkland Islands Civil Aviation Department, either by telephone (+500) 27300 or email civilaviation@sec.gov.fk, and we can provide the necessary advice.