



STATUTORY INSTRUMENTS

S.I. No. ____ of 2022

IRISH AVIATION AUTHORITY

(UNMANNED AIRCRAFT SYSTEMS (DRONES)) ORDER 2022.

DRAFT FOR CONSULTATION

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The Irish Aviation Authority, pursuant to section 5, 58 and 65 of the Irish Aviation Authority Act, 1993 (No. 29 of 1993), hereby orders as follows:

1. Short Title and Commencement

This Order may be cited as the Irish Aviation Authority (Unmanned Aircraft Systems (Drones)) Order 2022.

2. Definitions

In this Order:

‘the Act’ means the Irish Aviation Authority Act, 1993 (No. 29 of 1993), as amended;

‘the Authority’ means The Irish Aviation Authority;

‘the EASA Regulation’ means Regulation (EU) No. 2018/1139 of the European Parliament and of the Council of 4 July 2018 and shall include any rules or regulations adopted by the European Commission in accordance with the EASA regulation;

‘unmanned aircraft system’ (‘UAS’) means an unmanned aircraft, including their engines, propellers, parts, non-installed equipment and equipment to control aircraft remotely;

‘accident’ means an occurrence associated with the operation of an aircraft which takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- (a) a person is fatally or seriously injured;
- (b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component; or
- (c) the aircraft is missing or is completely inaccessible.

‘incident’ means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

3. Applicability

- (a) This order shall apply, unless otherwise specified herein, to unmanned aircraft systems (UAS), generally referred to as drones, which are operated in or over the State.
- (b) This Order shall apply to UAS, and their engines, propellers, parts, non-installed equipment and equipment to control the UAS remotely, while carrying out customs, police, search and rescue, firefighting, border control, coastguard or similar activities. When engaged in such activities these operations shall be in compliance with the provisions of the EASA Regulation with respect to the operation of UAS.
- (c) This Order shall not apply to military UAS under the control of the Minister for Defence.

4. Directions

The Authority may give directions for the purposes of giving effect to the provisions of this Order, other than written permissions and authorisations referred to herein, and may exempt persons or operations from the provisions of this Order, subject to such conditions as may be specified in relation to any such exemption. A condition specified in or with a written permission or in relation to an exemption in a particular case shall have the effect of a direction under this Order and shall be complied with by the person or persons to whom it applies.

5. Insurance

Operators of UAS shall be insured as regards their aviation-specific liability in respect of third parties in accordance with directions issued by the Authority. Operators of UAS shall ensure that insurance cover exists for each and every flight, regardless of whether the UAS operated is at their disposal through ownership or any form of lease agreement, or any other agreement of the same nature.

6. Privacy Rights

- (a) Any processing of personal data, including the gathering, exchange or transmission of digital recordings, carried out during the operation of UAS, shall be undertaken in accordance with data protection law.
- (b) Operators of UAS shall prepare a Data Protection Impact Assessment where required in accordance with Regulation (EU) 2016/679 (General Data Protection Regulation).
- (c) Pursuant to Article 58(8) of Regulation (EU) 2018/1139, the Authority may, by Direction, set minimum heights and conditions applicable to the operation of UAS for the protection of privacy and personal data.

7. Reporting of Occurrences

- (a) When an accident or incident to which these regulations apply occurs, the operator of the UAS shall, as soon as practicable, send notice of the accident or incident to the UAS Division of the Authority by the quickest practicable means available and, in the case of an accident, shall also immediately notify the Garda Síochána and the Air Accident Investigation Unit, in accordance with the Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations 2009.
- (b) An Garda Síochána shall report to the UAS Division of the Authority any accident or incident involving the operation of a UAS that has come to its notice.

8. Powers of the Authority in relation to accidents and incidents affecting UAS

- (a) In accordance with Section 65 of the Act of 1993, the Authority may obtain from a member of an Garda Síochána, such information which is within the Member's knowledge or procurement, as may reasonably be required for the purposes of an investigation in relation to the operation of a UAS.
- (b) For the purposes of this Order, any UAS and its associated equipment detained, or evidence obtained by a member of an Garda Síochána pursuant to the Air Navigation and Transport Act 1988, may be examined, or removed, by an Authorised Officer of the Authority.

9. Revocation, Limitation, and Suspension of Permissions, Exemptions and Authorisations and Directions

The Authority may revoke, limit, or suspend any permission, exemption, authorisation or direction issued under this Order.

10. Saver

The revocation of the Irish Aviation Authority (Small Unmanned Aircraft (Drones) and Rockets) Order 2015, shall not affect the validity of any permission, direction or exemption issued that was in force immediately before the commandment of this Order.

11. Investigations

- (a) The Authority may:
 - i. Cause such investigations or inspections as it considers appropriate to be made in respect of an incident or other occurrence which caused or could have caused a hazardous effect on the operation of a UAS. For the purposes of such investigation or inspection, the Authority may detain an aircraft, remove and detain any UAS equipment, take copies of or extracts from any documents or records (including

the records in any electronic flight data), have access to any place or premises and obtain from any person such information as may reasonably be required;

- ii. for the purpose of such investigations, the Authority may require the attendance of any person at a specified place and time on a specified day, and
 - iii. Authorise, permit or delegate a person, persons, an organisation or organisations to inspect such manuals, procedures, operations or proficiencies it considers necessary for the safe operation of a UAS or the issue of a permission.
- (b) Administrative arrangements regarding investigations may be established between the Authority and an Garda Síochána by way of MoU or Advisory Memorandum.

12. Power to Prevent UAS Flying

- (a) If it appears to the Authority or an Authorised Officer, or a member of an Garda Síochána, that a UAS is likely to be operated in contravention of the EASA Regulation, the Act, this Order, or any Directions thereunder, they may direct the operator or remote pilot, not to operate the UAS. The Authority or an authorised officer of the company or a member of an Garda Síochána may take such steps as are necessary to detain that UAS at a suitable location.
- (b) Where a member of an Garda Síochána detains a UAS, he shall handover the UAS concerned, together with any information regarding the operator or owner from whom the UAS was detained, to the Authority for the purposes of investigation.
- (c) Any UAS held by the Authority will only be retained for such time as is necessary for the purpose of an investigation under Article 11. Where a decision is taken not to pursue a prosecution the UAS concerned shall be returned to the registered owner, or the operator, as the case may be.

13. Revocations

The Irish Aviation Authority (Small Unmanned Aircraft (Drones) and Rockets) Order, 2015 is hereby revoked.

Present when the common seal of the Irish Aviation
Authority was affixed hereto this __ day of _____ 2022

_____ Director

_____ Director

Explanatory Note

(This note is not part of the Order and does not purport to be a legal interpretation)

This Order gives effect to the necessary national measures to implement Commission Implementing Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft and provides for the making of arrangements regarding the enforcement of the EASA Regulation between the Authority and an Garda Síochána.

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