



STATUTORY INSTRUMENTS.

S.I. No. 25 of 2023



IRISH AVIATION AUTHORITY (UPPER AIRSPACE AND ROCKETS)
ORDER 2023

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The Irish Aviation Authority, pursuant to Section 58 of the Irish Aviation Authority Act, 1993 (No. 29 of 1993) as amended, hereby orders as follows:

Short Title and Commencement

1. This Order may be cited as the Irish Aviation Authority (Upper Airspace and Rockets) Order, 2023.
2. This Order shall come into operation on the 01st day of March 2023.

Definitions

3. In this Order:

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

‘aerodrome’ means a defined area (including any buildings, installations and equipment) on land, or water, or on a fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

‘aerodrome traffic zone’ means an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic;

‘the Authority’ means The Irish Aviation Authority;

‘controlled airspace’ means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification;

‘fireworks’ means a combustible or explosive device for producing a striking display of light or a loud noise;

‘Irish controlled airspace’ means airspace over the State and any portions of the airspace over the high seas or in airspace of undetermined sovereignty where air traffic services are provided on the basis of regional air navigation agreements established and provided in accordance with Article 2.1.2 of Annex 11 to the Chicago Convention of 1944;

‘rocket’ means any of various simple or complex tubelike devices containing combustibles that on being ignited liberate gases whose action propels the tube through the air;

‘specific operating permission’ means a written permission from the Authority;

‘Upper Information Region (UIR)’ means a flight information region in upper airspace;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th February, 2023.*

Directions

4. 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.

Continuance in Force of Existing Directions, Permissions and Exemptions

5. Every permission, direction or exemption issued or in force under the appropriate provisions of the Irish Aviation Authority (Small Unmanned Aircraft (Drones) and Rockets) Order, 2015, at the time of the coming into operation of this Order shall continue in force and shall be deemed for all purposes to have been issued under this Order.

Designation of Upper Airspace

6. The Upper Airspace of the State shall include controlled and uncontrolled airspace.

7. The Upper Information Region in the State shall extend from Flight Level (FL) 245 to FL 660 for Class C airspace.

8. The Upper Information Region in the State shall extend from FL 660 to FL UNL for Class G airspace.

9. The limits of Upper Airspace shall be published in the Aeronautical Information Package.

Applicability

10. This order shall apply, unless otherwise specified herein, to unmanned rockets exceeding 1.5 kilograms in fuelled mass or with more than 100 grams of propellant, when such aircraft are operated in Irish controlled airspace.

11. This Order shall not apply to:

- (a) fireworks used in aerial display where the maximum altitude reached is less than 400 feet above ground level at the launch site(s), unless launched within controlled airspace or an aerodrome traffic zone; or

- (b) to a rocket using a slow burning propellant and made of paper, wood or frangible plastic containing no substantial parts and having a mass of no more than 500 grams (0.5 kilogram) operated in a manner that does not create a hazard to persons, property or other aircraft.

Rockets

12. A rocket shall not be operated by any person within Irish controlled airspace unless that person:

- (a) furnishes such pertinent information as may be required by the Authority, including a safety case which demonstrates that the risks to public safety and to property are as low as reasonably practicable; and
- (b) has in place adequate insurance arrangements in respect of those risks for each proposed launch; and
- (c) has obtained permission from the appropriate air navigation service provider for the airspace the rocket will transit; and
- (d) the level of risk to public safety and to property is acceptable to the Authority; and
- (e) obtains specific operating permission from the Authority prior to the launching of the rocket; and
- (f) complies with such conditions as are imposed with that permission.

13. The applicant for the permission under this Article shall declare that they are satisfied on reasonable grounds that:

- (a) the flight can be safely made; and
- (b) the airspace within which the flight will take place is, and will throughout the flight remain, clear of any obstructions including any aircraft in flight.

14. The Authority may refuse any application for permission to operate a rocket and may otherwise prohibit such an operation if it appears that it would be inexpedient in the interest of aviation safety to allow that operation to proceed.

Revocation, Limitation, and Suspension of Permissions, Exemptions and Authorisations

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

Investigations

16. The Authority may 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 an aircraft, and may, for the purposes of such investigation or inspection, detain a rocket, remove and detain any rocket 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; and

17. The Authority may 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 an aircraft or rocket or the issue of a permission.

Power to Prevent a Rocket Flying

18. If it appears to the Authority, or to an authorised officer of the company, that a rocket is intended, or is likely to be flown within Irish controlled airspace and that there would be a contravention of any provision of this Order or of the Act or any Orders or Directions thereunder, the Authority or an authorised officer of the company may direct the person who has charge of that rocket that he or she is not to cause the rocket to make the flight. The Authority or an authorised officer of the company may take such steps as are necessary to detain that rocket at a suitable location.



Present when the common seal of the Irish Aviation Authority
was affixed hereto
2 February 2023

ROSE HYNES,
Director

ERNIE DONNELLY,
Director

EXPLANATORY NOTE

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

This Order designates the limits and categories of Upper Airspace in the State. This Order also defines rules for the operation of rockets in Irish controlled Airspace and the requirements to obtain permission from the Authority before launching a rocket anywhere in the State. The provisions of this Order relating to the requirement to obtain permission for the operation of a rocket extend to all Irish controlled airspace, including those areas of airspace delegated to Ireland by ICAO under Article 2.1.2 of Annex 11 to the Chicago Convention of 1944.

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