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Regulation of Drones in Ireland

*Irish Aviation Authority Small Unmanned Aircraft
(Drones) and Rockets Order 2015*

21 December 2015

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NEW ORDER WILL REGULATE THE USE OF DRONES IN IRELAND

21 December 2015

New rules regarding the registration and operation of drones comes into force on 21 December 2015.

On 14 December the *Irish Aviation Authority Small Unmanned Aircraft (Drones) and Rockets Order 2015* was signed. The statutory instrument is designed to regulate the use of the unmanned aircrafts commonly referred to as 'drones'. The order applies to all small unmanned aircraft under 150kg which includes drones and model airplanes.

According to a statement on the Order from the Irish Aviation Authority (IAA) there are estimated to be between 4,000 – 5,000 drones in ownership in Ireland. The IAA claims that Ireland is "one of only a handful of EU Member States that has legislation governing the use of drones".¹ This claim is supported by a recent statement from the European Aviation Safety Agency which indicates that they will only be developing rules over the next 2 years.²

As such Ireland can rightly claim to be at the forefront of drone technology and regulatory developments (a fact supported by the establishment of a number of new businesses which have chosen Ireland as a location to establish their drone development centres).

DRONES AND BUSINESS IN IRELAND

Ireland is linked to a number of businesses which are leading the way in the drone technology space.

Since 2011 the West Cork firm *Versadrone* has been manufacturing drones and running flight schools with IAA approval. *Versadrone* now have offices in the UK, South Africa and Nigeria; they claim to ship worldwide. In 2015, US technology-entrepreneur Jay Bregman (of 'Hailo' fame) chose to headquarter his new drone based venture *Verifly* in Ireland. It hopes to develop a system to prevent drones from straying into exclusion zones and causing hazards to aircraft. Mr Bregman was quoted in the Irish Independent as saying that the intellectual property and research originating in the Dublin office would be the "crown jewels" of *Verifly's* work.³ On the operational side, Cork based *Skytec* are offering aerial photography, inspections and surveys to industry. *Skytec* recently demonstrated the potential for drones to service industry by carrying the first live safety inspection of a flare-tip on the Whitegate Oil Refinery.⁴



These are some examples of a growth industry that Ireland appears to be well placed to exploit. The IAA lists over 85 organisations using drones professionally in areas such as: aerial photography, environmental protection, university research, construction and land surveying amongst others.

¹ Drone Regulation to commence on 21 December 2015, IAA website – Latest News, <https://www.iaa.ie/media-centre/2015/12/17/drone-registration-to-commence-on-21st-december-2015>

² <http://easa.europa.eu/easa-and-you/civil-drones-rpas>

³ <http://www.independent.ie/business/technology/news/hailo-cofounder-raises-2m-for-global-drone-aviation-startup-verifly-31136859.html>

⁴ <http://www.skytecireland.com/>

Further evidence of confidence in the business potential of unmanned aircraft in Ireland can be seen in the announcement this summer of a €20 million investment in drone leasing and brokerage operation 'Green Aviation' by businessman Ulick McEvaddy.⁵

Internationally, online retail giant Amazon announced in 2013 their desire to start shipping to customers' homes using drones. Given that Amazon have a strong presence in Dublin, with billions invested in their operations here, we can envisage that this might present further opportunities for Irish technology firms to exploit and support.

Speaking at the announcement of the new rules for drone regulation and registration, the Minister for Transport Paschal Donohue expressed his belief that the new regime would emphasise Ireland's strong position in the sector: "The speedy response by the IAA to this fast developing aviation area will make sure that drones are properly regulated and registered for use. As a result, Ireland is well placed to exploit the drone sector and to ensure industry growth in this area."

THE NEW RULES

From 21 December 2015, all drones (weighing over 1kg), must be registered with the IAA. To facilitate registration, the IAA has established an online registration process at a cost of €5 (although this fee is waived until February 2016 in order to encourage early registration). Registering a drone is only open to those over the age of 16. Children under 16 who wish to operate a drone must have the drone registered by their parent/guardian.

The order requires that those who pilot a drone weighing between 4kg and 25kg (including cargo) must undertake a safety course, which has been approved by the Authority, in advance of flying the drone. For drones weighing between 25kg and 150 kg the operator must receive permission in advance from the IAA.

Under the new order a drone must not be flown under the following circumstances:

- if it would be a hazard to another aircraft in flight. Drones must give way to manned aircraft;
- if it is within 5km of an aerodrome in operation (unless with permission of the aerodrome operator);
- if it is being flown in a negligent or reckless manner so as to endanger life or property of others;
- if it would be flown in restricted areas (e.g. military installations, prisons, etc.);
- if it would be flown over an assembly of 12 or more people without their permission;
- if the drone is farther than 300m from the person operating the drone;
- if the drone is likely to climb over 400ft (120m) above ground level;
- within 30m of any person, vessel or structure not under the control of the person operating the drone;
- unless the person operating the drone has permission from the landowner for take-off and landing; and
- if the intention is to parachute an article or animal from the drone.

⁵ <http://greenaviationuav.com/aviation-tycoon-back-e20m-drone-project/>

The IAA has given wide ranging powers in terms of granting permissions to operate a drone. The Authority is entitled to apply conditions to the operation of drones. Furthermore, the order allows for the IAA or their delegated agent, to investigate and inspect any incidents or occurrences which have caused or could likely cause hazard to aircraft. The Authority is given the power to detain any aircraft which may breach these regulations or any other law of the State which may be applicable.

The Order also applies to rockets, and prohibits the firing of rockets except under the permission and conditions of the IAA.

CONCLUSION

The IAA's decision to establish regulations and a registration scheme for drones in Ireland places Ireland ahead of many of its European partners (including the relevant European regulatory authorities)⁶ in the field of unmanned aircraft. Irish businesses have identified opportunities in several fields connected to drones; this has been identified by both Irish *and* international investors. Ireland's strong history in aviation pioneering and present day reputation as a hub for high-end technology companies means Ireland is well placed to benefit from future technologies.

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⁶ In this case the European Aviation Safety Authority.