



Guidance For The Safe Operation Of Unmanned Aircraft Systems (UAS) In The Bailiwick of Guernsey

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Contents

Document Amendment Record	3
Disclaimer	3
Chapter 1 – The Requirements For UAS Operation	5
1.1. Safe Operating Requirements	5
1.2. DCA Requirements.....	6
1.3. Use Of UAS By The Emergency Services	7
Chapter 2 – Restrictions And No Fly Zones	8
2.1. Introduction	8
2.2. Guernsey Aerodrome Traffic Zone	8
2.3. Alderney Aerodrome Traffic Zone	9
2.3. Sark	9
2.4. Areas Under The Vale Commons Council Jurisdiction	10
2.5. Areas Under Guernsey Harbours’ Jurisdiction	13
2.6. Events on the Guernsey Harbours Estate.....	13
Chapter 3 - Data Protection And Other Compliance	17
3.1. Data Protection.....	17
3.2. Aircraft and Public Liability Insurance	17
3.3. Campaign Poster – Guernsey	18
3.4. Campaign Poster – Alderney	19

Document Amendment Record

The following table records the complete history of the successive issues of the present document.

Issue Number	Issue Date	Reason For Amendment	Amendment Requested By	Pages Affected
1	01/08/2020	Initial issue	N/A	N/A

Disclaimer

Whilst every effort has been made to ensure the accuracy of the information in this guide is correct at the time of publication (including footnotes and any internet webpage links). Guernsey Ports cannot accept any liability when legalisation, regulations, directives or policies change without notice regarding permitted UAS use within the Bailiwick of Guernsey. This document will be periodically reviewed as part of Guernsey Ports' quality assurance and compliance processes and systems. Any updates or changes will be published in future editions of this guide.

Preface

When used responsibly, UAS popularly known as ‘drones’ are capable of capturing compelling photography and filming from the skies around the Bailiwick of Guernsey that is very difficult to capture via other methods. This activity however, needs to be done in a safe and responsible manner that does not interfere with air traffic or maritime vessel movements that are vital to the Bailiwick’s economic and social wellbeing.

This guide has been produced by Guernsey Ports in liaison with the regulator of civil aviation in the Bailiwick of Guernsey, the Office of the Director of Civil Aviation¹ (the DCA). The aim is to provide guidance to operators of Unmanned Aircraft Systems (UAS) who wish to fly in the Bailiwick of Guernsey.

All references to UAS should be interpreted to apply to other ‘model aircraft’ of the same category but which may be known by alternative names such as ‘Drone’, Unmanned Aerial Vehicle (UAV), Remotely Piloted Vehicle (RPV), Remotely Piloted Aircraft System (RPAS), Small Aircraft, Helicopter, “Multi” Rotor etc.

Operators must understand the safety and operational limitations that are appropriate for the islands and those that apply near Guernsey and Alderney Airports, Guernsey Harbours and the Guernsey Vessel Traffic Service area for the protection of air traffic and maritime vessels.

UAS operators wishing to use UAS for commercial aerial filming and photography operations in the Bailiwick of Guernsey must seek approval of the DCA.

Unless specified in the text and footnotes, all legal restrictions are based on the Air Navigation (Bailiwick of Guernsey) Law, 2012 (as amended)².

This document becomes uncontrolled when printed or downloaded from the internet and stored onto an electronic device. UAS operators should ensure they use the guide published on www.airport.gg / or www.harbours.gg.

¹ <https://cidca.aero/article/166733/Home>

² <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=84827&p=0>

Chapter 1 – The Requirements For UAS Operation

1.1. Safe Operating Requirements

Operators of a UAS shall:

- Not recklessly or negligently, cause or permit an aircraft to endanger any person or property.
- May only fly the UAS if reasonably satisfied that the flight can safely be made.
- Maintain direct, unaided visual contact with the UAS sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels, and structures for avoiding collisions. UAS operators must give way to manned aircraft at all times.
- Not fly the device above 400 feet (121.92 metres) above ground and territorial seas of Guernsey, Alderney, and Herm or the territorial seas of Sark unless the written permission of the Guernsey Air Traffic Control, or where applicable, Guernsey Harbours and/or the DCA has been obtained.
- Not fly the aircraft within the Aerodrome Traffic Zone, this is within a two nautical miles radius of Guernsey and Alderney Airports, from the surface to 2,000ft (609.6m) above ground, unless Guernsey Air Traffic Control permission has been obtained.
- Not fly a UAS in the Guernsey Vessel Traffic Service Zone (VTS)³ and over properties or land which are owned or managed by Guernsey Harbours without their prior permission, Guernsey Air Traffic Control and if applicable, the DCA.

Any operation of a UAS within two nautical miles of Guernsey or Alderney Airports, and within designated approach and departure sectors, must be authorised by Guernsey/Alderney Air Traffic Control prior to flight.

In addition to maintaining direct, Visual Line of Sight (VLOS) and keeping to a height of no more than 400 feet (121.92 metres) above the surface. UAS operators should avoid and give way to manned aircraft at all times.

³ See Page 14.

All UAS in Guernsey and Alderney are restricted to operations not exceeding 400 feet (121.92 metres) above ground level unless the permission of the Guernsey Air Traffic Control has been obtained. The only exception is during take-off or landing, a UAS shall not be flown within 50 metres (164 feet) of any person. These conditions do not apply to the person operating the UAS.

1.2. DCA Requirements

Bailiwick of Guernsey jurisdictions have adopted laws and policies that regulate the operation of UAS. UAS with surveillance or data gathering capability (most commonly a camera) are subjected to rules that are more stringent.

Non-private use of UAS requires an aerial work certificate. For the avoidance of doubt, non-private use is any use of an UAS during a business, club, association, charity, governmental body or where any transaction is affected or promised in respect of the flight – this includes where materials obtained during the flight (such as photographs or video recordings) are used by a commercial or charitable undertaking.

UAS operators wishing to obtain an aerial work certificate should apply to the DCA in writing. Application forms are available on the DCA's website⁴ and permits are issued under the Aviation Permit System. A list of those individuals or organisations holding such permits can be found in the latest edition of the Aviation Journal published by the DCA on its website⁵.

UAS operators will be required to submit evidence to the DCA of a pilot qualification, an operation manual, which must include an elementary safety management process including flight risk assessments and proof of public liability insurance cover.

Temporary or short-term operations by individuals or organisations based outside the Channel Islands will be permitted where the operator can provide evidence of appropriate certification from an acceptable jurisdiction. In such cases, a temporary permit will be issued by the DCA. All UAS operators holding long-term permissions are required to be audited, at their own expense, by an organisation approved by the DCA. Such audits will be required at least once every 24 months and may additionally be required whenever the DCA deems appropriate or necessary.

The operator of a UAS shall not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the DCA.

⁴ <https://cidca.aero/article/166736/Forms--Support>

⁵ <https://cidca.aero/aviation-journal>

The operator of a UAS shall not fly the aircraft in any of the circumstances described below except in accordance with a permission issued by the DCA:

- Over or within 150 metres (492 feet) of any congested area.
- Over or within 150 metres (492 feet) of an organised open-air assembly of more than 1,000 persons.

All proposals for UAS flying and flight plans should be emailed to: airport@gov.gg.

1.3. Use Of UAS By The Emergency Services

Bailiwick based emergency services⁶ are exempted from permit charges by the DCA to personnel for holding a valid aerial work certificate for the use of a small unmanned aircraft as set out below.

- Where the incident commander determines that a life-threatening situation exists and that use of a UAS may be of assistance, any UAS available may be utilised by the emergency services, if their own on-site risk assessment has been carried out and the UAS is kept within visual line of sight.
- Emergency services personnel must have completed an appropriate remote pilot qualification.
- In all cases, the UAS must be kept within 1,000 metres (3,280 feet) of the operator and must not be operated above 400 feet (121.92 metres) above ground level.
- The DCA must be informed in writing on each occasion that a UAS is used under this exemption. The report must include details of the location, task, operator and owner of the UAS, together with the name of the incident commander.
- This exemption will remain in force until revoked or amended by the DCA.

⁶ The DCA defines an Emergency Service as follows: Any member of an established police force, fire service, ambulance service, coastguard or civil protection unit.

Chapter 2 – Restrictions And No Fly Zones

2.1. Introduction

There are a number of restricted flying zones for UAS in the Bailiwick. Some zones include outright bans on land, in some areas a UAS can be used once permissions and permits have been issued by the relevant authorities.

2.2. Guernsey Aerodrome Traffic Zone

Any UAS should not flown in what is described as the Aerodrome Traffic Zone (shaded in red) without prior permission. Any flying by an operator of a UAS in this zone needs to have the permission of Guernsey Air Traffic Control and, if applicable, the DCA. This Zone is the airspace extending from the surface to a height of 2,000 feet (609.6 metres) 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 two nautical miles. The diagram below indicates the scope and scale of this zone.



The Guernsey Aerodrome Traffic Zone.

2.3. Alderney Aerodrome Traffic Zone

Alderney has its own Aerodrome Traffic Zone for UAS operations. Any proposed flying needs to have the permission of Guernsey/Alderney Air Traffic Control and, if applicable, the DCA. Any unauthorised breaches of this zone will be referred to the DCA for their consideration.



The Alderney Aerodrome Traffic Zone

2.3. Sark

The island of Sark, which has its own parliament called the Court of Chief Pleas⁷, has its own policy on the use of UAS on the island and in its territorial seas. The island is responsible for making their own laws and policy regarding the use of UAS in the island. Current policy on using licensed UAS on the island was agreed by Sark's Policy and Performance Committee in Chief Pleas and the DCA to permit the operation of UAS by licensed operators in **the vicinity** of Sark only.

⁷ <https://sarkgov.co.uk/information>

This means that no UAS may be flown over the Island of Sark but may, with the correct approval, be flown from and to a vessel whilst at sea, unless the Sark Constables instruct the operator to cease flying. Anyone wishing to operate UAS either for private or commercial purposes in the territorial seas of Sark are required to obtain individual approval from the DCA in advance of their use, and UAS operators must comply with the following conditions:

- The UAS must be capable of being safely launched from and recovered to a vessel at sea.
- Launch and recovery must take place from a vessel at sea positioned at a distance of at least 150 metres (492 feet) from the shoreline at the lowest astronomical tide.
- The UAS operator must be a holder of a current aerial work permit.
- The UAS must at all times remain at least 150 metres (492 feet) from the island. Once in flight this distance shall be measured from the cliff top or shoreline - whichever is closer to the vessel.
- All other conditions in Section 37 of the Air Navigation (Bailiwick of Guernsey) Law, 2012⁸, are complied with.
- The Sark Constables enforce these rules and have the right to instruct any operator to cease flying where the operator has not complied with these rules or, they consider that there is a danger or nuisance to persons, property or animals.

2.4. Areas Under The Vale Commons Council Jurisdiction

All UAS of any type⁹ may not be flown over the area of Guernsey under the jurisdiction of the Vale Commons Council¹⁰. This is laid out in the Model Aircraft (Vale Commons) (Prohibition) Ordinance, 1974¹¹ and operators of UAS are liable to criminal prosecution. The Commons are the largest area of land available for recreation and open to the public of Guernsey, comprising approximately 300 Acres (121.2 Hectares). In addition to the many open spaces, there are numerous and large areas of gorse and other important habitats for many species of birds, animals and other wildlife. The Commons run from the Vale Parish Church in the west to Beaucette Marina in the east.

⁸ <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=84242&p=0>

⁹ This includes model aeroplanes and helicopters.

¹⁰ <http://valecommons.org/>

¹¹ <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=67644&p=0>

The Vale Commons also contain an 18-hole golf course, shooting ranges, two football pitches, a horseracing course, and coastal paths under its management. There are a number of historic and archaeological monuments on the Commons. Overleaf is a map of the area under the management and control of the Council and outline where any model aircraft types cannot be operated from inside the red line.



The Vale Commons. Copyright © States of Guernsey.

2.5. Areas Under Guernsey Harbours' Jurisdiction

Guernsey Harbours has vessels entering or leaving St Peter Port and St Sampson's Harbours on a constant basis. Both harbours are used by a wide variety of ships and vessels – from small recreational craft through to passenger and cargo ro-ro ferries and larger bulk cargo and tanker vessels.

Unregulated and careless UAS use carries many potential hazards – ranging from risk of injury to passengers and crew on vessels through to collisions with oncoming ships. There are also hazards to users of St Peter Port or St Sampson's Harbours as a sizable chunk of its estate is open to the public. Consequently, areas including harbour mouth entrances, and the Guernsey Vessel Traffic Service area (VTS)¹² are not safe places for the routine use of any type of UAS without prior permission of Guernsey Harbours and, if required, the DCA. This VTS zone was formally established on the publication of Local Notices to Mariners - LMTM 014/2019 – Subject: Guernsey VTS¹³.

Any use of UAS from all vessels from a dock, mooring, or berth in St Peter Port or St Sampson's Harbour is prohibited under the Guernsey Harbours Code of Practice¹⁴. This also applies for local private vessel mooring holders and visiting non-commercial vessels.

2.6. Events on the Guernsey Harbours Estate

The Guernsey Harbours estate (including marinas) host a number of flagship public events in the local calendar (Liberation Day, Town Carnival, Seafront Sunday). Any proposals to use and operate UAS should be made as part of the event application process¹⁵, and Guernsey Harbours require the following details laid out below. Applications without these details will be rejected. Overleaf, are maps of the Guernsey Vessel Traffic Service Zone (VTS), the estates of St Peter Port and St Sampson's Harbours All proposals to use a UAS should be emailed to guernsey.harbour@gov.gg.

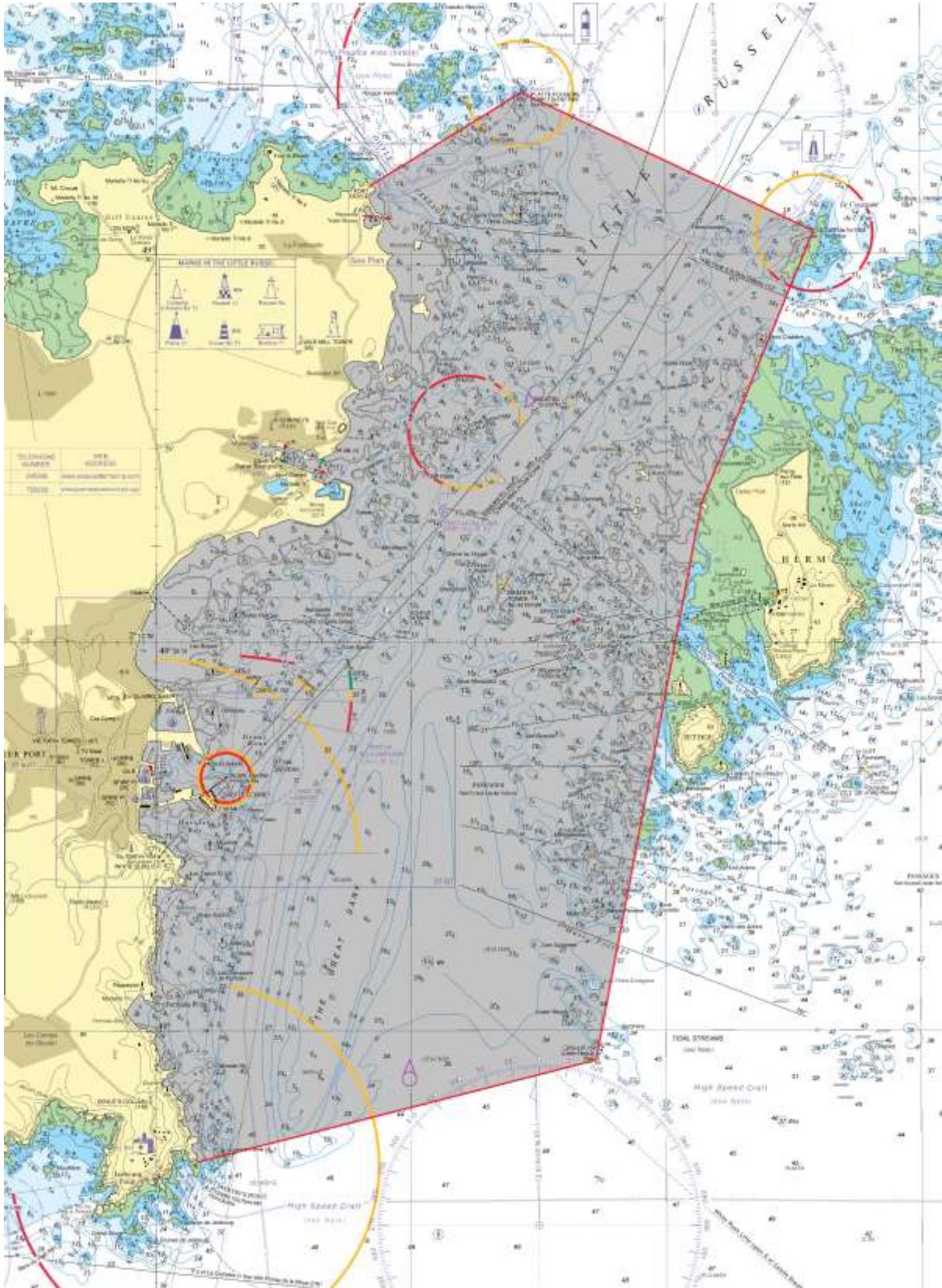
- Valid CAA Certification.
- Proof of Guernsey Air Traffic Control approval.
- Valid Public Liability Insurance Certificate.
- Map of proposed flight path.
- DCA approval (if applicable).

¹² <http://www.harbours.gg/CHttpHandler.ashx?id=119738&p=0>

¹³ <http://www.harbours.gg/CHttpHandler.ashx?id=119738&p=0>

¹⁴ <http://www.harbours.gg/code-of-practice>

¹⁵ <http://www.harbours.gg/guernsey-harbour-seafront-events>



Guernsey Vessel Traffic Service (VTS) Zone.

Picture: UK Hydrographic Office. Not to be used for navigation purposes.



St Peter Port Harbour Estate, Anchorages and Approaches, Copyright © States of Guernsey



St Sampson's Harbour Estate and Approches, Copyright © States of Guernsey

Chapter 3 - Data Protection And Other Compliance

3.1. Data Protection

Guernsey Ports' and the DCA's permission processes to operate a UAS is only intended to assist in ensuring the flights can be accomplished safely. The permission does not extend rights to any other purpose such as the collection of images and video, data or for advertising purposes. Aircraft operators and pilots should be aware that the collection of images of identifiable individuals, even inadvertently, is subject to the Data Protection (Bailiwick of Guernsey) Law, 2017¹⁶.

Images that identify individuals are classed as personal data and must be handled appropriately in order to respect the privacy of individuals. The UAS operator is technically a data controller and will therefore need to comply with the obligations placed on data controllers as listed within the Data Protection Law.

Those UAS users who are operating under a permit from the DCA should consult the Office of the Data Protection Authority¹⁷ in Guernsey where any flight involves the use of surveillance equipment.

The possible collection of personal data by such devices will be at the responsibility (and risk) of those operating them. No permissions are given or implied from Guernsey Ports and the DCA in respect of compliance with the Data Protection (Bailiwick of Guernsey) Law 2017. If UAS users fail to comply with their obligations under the Data Protection Law, they may be subject to enforcement action by the Office of the Data Protection Authority and potentially fined. They may also be subject to legal action by affected individuals.

3.2. Aircraft and Public Liability Insurance

UAS of less than 20 kg (3 stone 2 pounds) are not legally required to have specific aviation insurance, nevertheless it is strongly recommended. Non-commercial UAS operators are strongly advised to have sufficient and valid public liability insurance to cover their type of UAS activity. Commercial UAS operators must have valid public liability insurance.

¹⁶ <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=113397&p=0>

¹⁷ <https://odpa.gg/>

3.3. Campaign Poster – Guernsey



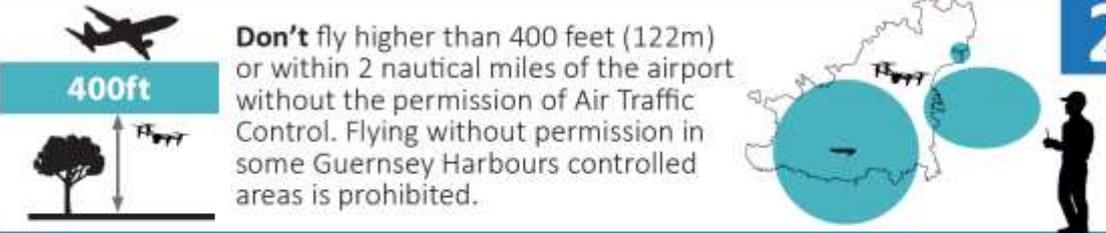
Remember the Drone Code Fly Safe. Fly Legal.

You are legally responsible for the conduct of your flights

1 Make sure you can see your drone at all times and can avoid collisions. **Do not** fly your drone in any way that could endanger people or property.



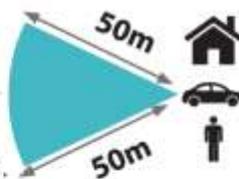
2 Don't fly higher than 400 feet (122m) or within 2 nautical miles of the airport without the permission of Air Traffic Control. Flying without permission in some Guernsey Harbours controlled areas is prohibited.



3 Use common sense and fly safely. You could be prosecuted if you don't.



4 Drones fitted with cameras **must not** be flown:

within 50m of people, vehicles or structures.  OR Over or within 150m of congested areas or large outdoor gatherings such as beaches, concerts and sports events. 

5 And don't forget. You need a 'Permission for Aerial Work' to use a drone commercially.



For more information visit:
www.airport.gg/drones

DCA Office of the Director of Civil Aviation

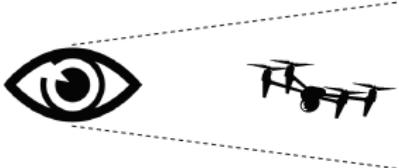
 **GuernseyPorts**
YOUR GATEWAYS TO THE CHANNEL ISLANDS

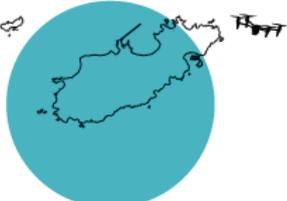
3.4. Campaign Poster – Alderney



Remember the Drone Code Fly Safe. Fly Legal.

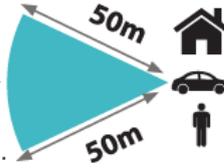
You are legally responsible for the conduct of your flights

1  Make sure you can see your drone at all times and can avoid collisions. **Do not** fly your drone in any way that could endanger people or property. 

 **400ft**  **Don't** fly higher than 400 feet (122m) or within 2 nautical miles of the airport without the permission of Alderney Air Traffic Control.  **2** 

3  **Use common sense and fly safely.**
You could be **prosecuted** if you don't.

 **Drones fitted with cameras must not be flown:** **4**

within 50m of people, vehicles or structures.  **OR** Over or within 150m of congested areas or large outdoor gatherings such as beaches, concerts and sports events.  **NO OVERFLY** 

5  **And don't forget. You need a 'Permission for Aerial Work' to use a drone commercially.**

For more information visit:

www.airport.gg/drones

DCA Office of the Director of Civil Aviation

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YOUR GATEWAYS TO THE CHANNEL ISLANDS