

Letter to all BMFA members

Further to the announcement earlier this week, we will be working with the CAA to clarify the detail of how we can best assist our members to comply with the Registration and Competency requirements which were introduced in the 2018 changes to the Air Navigation Order and become law on the 30th November 2019 for those operating unmanned aircraft.

The changes to the law are in part to address established issues arising from unlawful operation, but also to help facilitate the wider integration of unmanned aircraft into the airspace in the future. The Queen's Speech of 14th October announced the 'Air Traffic Management and Unmanned Aircraft Bill' which introduces mechanisms for modernising airspace and Air Traffic Services and provides the Police with new powers to deal with the unlawful use of unmanned aircraft.

It is acknowledged that Operator Registration is unlikely to address unlawful operation and that those using an unmanned aircraft for malicious purposes are unlikely to register. However, it does provide the Police with a mechanism for enforcement if they challenge anyone they suspect of operating an unmanned aircraft illegally. If the operator is not registered or able to confirm competency, then the Police have an immediate and clear reason for issuing a fixed penalty notice or prosecution. Details of the punitive measures have yet to be published.

Similarly, it is acknowledged that Competency requirements will not address the issue of those using unmanned aircraft with malicious intent. However, there is a hope that it may help reduce the significant number of unlawful operations conducted unwittingly. The BMFA does not disagree that awareness of applicable regulations is an essential requirement for safe operation and during our campaign it has become evident to all parties (including the CAA) that there are, perhaps, a few too many model flyers who do not fully understand the existing regulations.

The measures announced earlier this week are interim ones to deal with the immediate issue of the changes to UK law which become applicable on the 30th November. We will be working with the CAA towards the implementation of the EU regulations in June 2020, so actively encouraging members to break the law by not complying (as some have suggested) would be counterproductive and detrimental to our ongoing negotiations.

What does this mean for BMFA members?

In simple terms, if you operate an unmanned aircraft weighing more than 250g outdoors after the 30th November then it will become a legal requirement to be registered as an Operator with the CAA and be able to provide evidence that you are competent (essentially to confirm that you are aware of the applicable laws). Those who only operate control line aircraft will be exempted from the requirements.

The CAA have agreed to recognise our members' Achievements as an alternative to their online test and allow us to administer registration of Operators as part of our membership process. A few key points to note are that:

1. The fee for Operator registration will be £9/year. Where members choose to register through the BMFA, we will collect the fee and pass it on to the CAA. The BMFA does not

- profit from this in any way. The CAA has to make a charge to users in order to cover the cost of the scheme which is not subsidised by the Government (unlike in some other countries).
2. Members will be exempted from registering as Operators on the 30th November and can register instead as part of the BMFA's membership renewal process (ideally by the end of January 2020).
 3. Registering as an Operator through the BMFA will be a specific 'opt-in' for members and the CAA will only receive information for those members who have given consent by 'opting in' and paid the CAA fee.
 4. The BMFA has never and will never share members' data with any third parties without consent.
 5. We are still clarifying arrangements for junior members in terms of Operator registration, but there are no age restrictions for 'Remote Pilots'.
 6. Members who 'opt in' will receive an email from the CAA with their 'Flyer ID' once their data is uploaded. (Should a member be asked to provide proof of registration before receiving their Flyer ID the BMFA office will provide evidence of compliance.)
 7. There will be no requirement to place any registration numbers on the exterior of model aircraft, but they must be carried in an easily accessible location (within a battery hatch for example).
 8. **For members with an existing Achievement, all that they will need to do to remain lawful will be to simply 'opt in' when they renew their membership and pay the additional CAA fee.**
 9. We will shortly introduce a Member's Competency Certificate (a simple knowledge test which will be available online/hardcopy and/or via our clubs and examiners) as an alternative to the CAA system for those without an existing Achievement. Members without an existing Achievement will either have to complete a Member's Competency Certificate or the CAA's own test before we can register them as an Operator.
 10. Registration and/or evidence of competency will not be conditions of BMFA membership but failure to be able to produce evidence of both if challenged by the Police could result in a fixed penalty notice or prosecution.
 11. Compliance with the Registration/Competency requirements is largely a matter for individual members and as such we would not expect Clubs to automatically assume responsibility for policing it, though of course some may choose to do so (perhaps to assist those members wishing to comply who do not have access to the internet or in order to comply with local operating requirements such as FRZ permissions for example).
 12. We are still working with insurers to resolve any potential insurance implications and hope to be able to clarify the situation by the end of this week.
 13. Members will continue to benefit from the existing permissions/exemptions already granted to the CAA recognised UK Associations (such as the permission to operate above 400ft with aircraft of less than 7Kg, operate control line aircraft within an FRZ and operate FPV aircraft with a competent observer).

We appreciate that there are still likely to be many questions arising from this, but there remains a lot of detail to resolve with the CAA (and our insurers) before we can issue definitive guidance. However, please be assured that we will provide further information and guidance as soon as it becomes available.

Kind Regards

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