

12 November 2015  
Reference: F0002519

Dear XXXX

I am writing in respect of your recent request of 22 October 2015, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

*'Please could you provide information on the number of reports of any contravention of CAA Articles 166 and 167 (UAV and surveillance UAV regulations) received in 2013, 2014 and 2015 so far.*

*If possible please provide a headline description for each contravention, indicating what part of the code was contravened and (if known) what type of UAV was involved.'*

Our response:

Having considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are able to provide the information below.

### **Complaint strategy**

Drones with an operating mass of 20 kg or less are defined as Small Unmanned Aircraft (SUA). The last two years have seen a rapid rise in the number of applications to carry out commercial work with SUA. In parallel with these formal applications to carry out commercial work with SUA. In parallel with these formal applications, it is understood that a great many drones have been sold for private use by hobbyists. These devices are not subject to any pilot licensing or registration requirements.

In line with the growing use of drones, the CAA has begun receiving complaints about drone use from a number of sources and our response to complaints has evolved over time. The complaints come under a variety of headings, not all related to our existing legislation. In particular, complaints about surveillance or alleged invasion of privacy are not illegal under civil aviation legislation, which is directed at the safety of flight of these devices, and are a matter for the Information Commissioner's Office. A large number of complaints do not directly identify the operator of the device and many are related to postings of video on social media such as YouTube and Vimeo etc. Other categories of complaints relate to

#### **Civil Aviation Authority**

Aviation House Gatwick Airport South Gatwick RH6 0YR. [www.caa.co.uk](http://www.caa.co.uk)

Telephone: 01293 768512. [foi.requests@caa.co.uk](mailto:foi.requests@caa.co.uk)

illegal offering of commercial services or flights that the complainant deems to be dangerous or reckless (flights in populous areas or close to airports). It is often not possible to distinguish whether the flights were recreational or for some other purpose.

In 2014 the CAA started formally logging complaints - prior to this individual case-officers may have offered advice on a one-to-one basis – and formally writing to alleged offenders when they could be identified. This was often a proportionate first step for cases that appeared to lack conclusive evidence, or where it was apparent that the users were largely ignorant that legislation exists governing the use of drones.

### **Current approach**

Complaints are dealt with by one of the following methods after first appraisal:

**1. The reporter is advised to report the incident directly to the local Police.** The CAA enforcement strategy changed in mid-2015 to better reflect the balance of capabilities between the CAA and local Police services. The Police have greater resources, response times and powers of investigation than the CAA and the CAA reached agreement with the Police via the National Police Chief's Council (NPCC) that they will take the lead in dealing with drone misuse incidents, particularly at public events. The Police may use aviation safety legislation or other relevant criminal legislation and the CAA will assist with expert operational and technical advice. We currently recommend that any such incidents are reported directly to the Police. Certain types of drone flights, i.e. those that may be endangering an aircraft or are made in the vicinity of an airport or airfield, in addition to being reported to the Police, should also be specifically reported to the CAA using our online form FCS 1520.

The CAA has started directing resources away from direct investigation of lower-level offences and re-allocating them to support Police investigations. The CAA aims to provide expert technical and operational advice and assistance to the Police as required. There were two successful Metropolitan Police/CPS prosecutions of drone operators in September and October 2015 for which the CAA provided detailed assistance (advice, technical interpretation and statements).

**2. Direct correspondence / postings on social media:** If the alleged operator of the drone can be to some extent identified, they may be contacted directly via telephone or e-mail and warned of the dangers of their activity and the legal requirements. If, as in many cases, the alleged aircraft operator has only posted video or comment on the flight on social media (YouTube, Facebook, Vimeo, etc), the CAA will endeavour to post a safety message onto their site. This action assists in getting out to the message to visitors to the site, however posters have become increasingly wary and content is often removed before the message can be posted or the incident investigated further. Several reports/complaints may be received about the same activity, especially if it is a regularly viewed.

The CAA can also investigate permission-holding drone operators and has a range of options from warning letters to suspension/revocation of the CAA permission. In 2014 the CAA issued one warning letter to an operator and temporarily suspended the permission of another.

**3. Referral to the CAA Investigation and Enforcement Team (IET):** When it appears that there is a case suitable for investigation (due to the serious nature of the incident plus likely available evidence) the case is referred to the CAA Investigation and Enforcement Team.

**4. Investigations are not initiated:** This is either because there is no obvious evidence of a possible offence or it due to the alleged offences being 'time-barred' i.e. The Air

Navigation Order (ANO) Articles 166 and 167 offences are summary-only offences and subject to time limits. Depending on when the alleged offence took place and how long after that it was reported/investigated, the time limit might already have run out. These allegations can still attract our safety message if the video remains posted on social media.

We have also introduced preventative guidance notices and other easy-to-understand education material as we realise that the majority of drone pilots do not receive any formal flight training and do not have any specific knowledge of aviation practices and procedures (airspace considerations, pre-flight planning etc). This is available at [www.caa.co.uk/droneaware](http://www.caa.co.uk/droneaware).

### Details of complaints

ANO Article 166 / 167 Drone misuse complaint statistics 2013 – 2015 inclusive:

Complaints	Response
<b>2013:</b>  <b>Complaints: 10</b>	<b>Response:</b> IET investigations only. One resulted in a successful prosecution in 2014 (see below)
<b>2014: (see attachment 1 for further details)</b>  <b>Complaints: 119</b>	<b>Responses: 75.</b>  Two successful prosecutions by IET: <ul style="list-style-type: none"> <li>• Mark Spencer at Stafford Magistrates Court 14 May 2014 for a flight over Alton Towers.</li> <li>• Robert Knowles at Furness and District Magistrate Court on 1 April 2014 for a flight at Barrow-in-Furness.</li> </ul> Both drone operators were fined.
<b>2015: (January – August: see attachment 1 for further details)</b>  <b>Complaints: 169</b>	<b>Responses: 99.</b>  <b>Two successful prosecutions by Met. Police/CPS (September and October 2015)</b>

The CAA does not record the type of contravention or type of aircraft (if known) although they tend to fall in to one of the following categories:

- Dangerous misuse involving a breach of the distance and height limitations from congested areas, people, vessels, vehicles or structures and open-air assemblies (ANO Article 167).
- Flight beyond the visual line of sight of the pilot, either by distance or altitude or both (ANO Article 166).
- Suspected commercial flights without the permission of the CAA (ANO Article 166).

- Other (possible spying/privacy/nuisance). Drone flights that may have posed a risk of collision with another aircraft are reported through the separate AIRPROX system and usually come from aircraft operators or Air Traffic Controllers.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Caroline Chalk  
Head of External Information Services  
Civil Aviation Authority  
Aviation House  
Gatwick Airport South  
Gatwick  
RH6 0YR

[caroline.chalk@caa.co.uk](mailto:caroline.chalk@caa.co.uk)

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

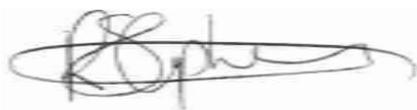
Should you remain dissatisfied with the outcome you have a right under Section 50 of the FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office  
FOI/EIR Complaints Resolution  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

[www.ico.gov.uk/complaints.aspx](http://www.ico.gov.uk/complaints.aspx)

If you wish to request further information from the CAA, please use the form on the CAA website at <http://www.caa.co.uk/application.aspx?catid=286&pagetype=65&appid=24>.

Yours sincerely



Rihanne Stephen  
Information Rights Officer

**CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE**

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.