

## 2014 – year of the drone?

Date : January 7, 2015



2014 was perhaps the biggest year in history for developments in technology law. We saw a wide range of developments in data protection and privacy, information security and the right to be forgotten. We also saw the first cases involving the legal issues around drones. That seems to be one trend that's destined to continue into 2015.

Already this year the London Metropolitan Police have issued a warning to drone owners after fears that they are being flown illegally around London landmarks. Police are said to be investigating YouTube videos showing drones flying around The London Eye and Tower Bridge. They are also looking into an incident last summer when the pilot of a plane landing at Heathrow reported seeing a drone on his approach at 700 feet in the air. This prompted the UK's aviation regulator, the Civil Aviation Authority (CAA) to warn drone users saying:

*"There will be thousands of new users after Christmas who may never have flown any kind of remotely controlled device before and they may not be aware of what the rules are. We want to encourage people to use common sense and not fly these devices anywhere that could interfere with aircrafts or other vehicles."*

The London Evening Standard estimates that there are more than 50,000 drones being flown already in the UK. Aside from safety considerations there are other legal issues involved which include:

- Whilst under English law cases like *Bernstein v. Skyviews & General* say that there's no absolute right to prevent flights over one's property the Data Protection Act 1998 gives individuals rights if the drones are being used for commercial purposes. The owner of the drone would most likely need to register with the UK data protection authorities and abide by the principles of good practice for handling data. The UK data regulator (Information Commissioner's Office or ICO) has looked at cases involving surveillance via CCTV in one case where the pictures were viewed remotely and has also issued a [code of practice on surveillance cameras](#).
- The CAA operates a licensing regime for heavier drones.
- Prohibited radio frequencies are not the same in every country. Importing a drone into the UK is something that requires compliance due diligence to check that it does not broadcast on a prohibited radio spectrum.
- The Air Navigation Order 2009 also says that drones should not be flown within 150 metres of any congested area or within 50 metres of vessels, vehicles or structures not owned by their operator. There are also exclusion areas around airports.
- Using a drone can also bring the user potential criminal liability in other circumstances – for example if it's used to harass somebody or breach the peace.

As with any new technology there will be a clamber for specific legislation to deal with drones as they increase in public consciousness. The fact remains however that there are already laws and regulations which govern the use of drones in the UK and anyone considering the use of a drone, particularly for commercial purposes, should make

sure that they can do so in a legal and compliant manner.

[Jonathan Armstrong](#) Cordery, Lexis House, 30 Farringdon Street, London, EC4A 4HH

Office: +44 (0)207 075 1784

[jonathan.armstrong@corderycompliance.com](mailto:jonathan.armstrong@corderycompliance.com)

