EXPLANATORY MEMORANDUM TO

THE AIR NAVIGATION (AMENDMENT) ORDER 2026

2026 No. 99

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and Secondary Legislation Scrutiny Committee

2. Declaration

2.1 Keir Mather MP, Parliamentary Under Secretary of State (Minister for Aviation, Maritime and Decarbonisation) at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Ajita Hathlia, Deputy Director for Aviation, Safety, Innovation and Skills at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Babatunde Alebiosu at the Department for Transport can be contacted by email at the following address with any queries regarding the instrument: futureofflight@dft.gov.uk. Alternatively, the department can be contacted by telephone: 07977 422242.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument makes amendments relating to tethered small uncrewed aircraft ("TSUA"). A TSUA is an uncrewed aircraft which is flown within limits imposed by a restraining device which attaches the aircraft to the surface or to a person on the surface and has a maximum take-off mass of 1kg or less. Use cases for TSUA are much more specific than other drones, including in firefighting and law enforcement.

4.2 The amendments will alter the operational rules which apply to TSUA, particularly in relation to registration requirements and the distance which heavier TSUA must keep from persons and buildings.

4.3 TSUA are outside the scope of the assimilated regulation which sets out the operational rules which apply to most other uncrewed aircraft (Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of uncrewed aircraft ("the Implementing Regulation")). This is because TSUA are considered to be lower risk.

4.4 A related instrument (the Unmanned Aircraft (Amendment) Regulations 2025)[1] – laid on 21 October 2025 – has amended the Implementing Regulation, making various changes to the rules on how uncrewed aircraft are to be operated.

4.5 The Air Navigation (Amendment) Order 2026 instrument will maintain alignment, where appropriate, between the rules which apply to TSUA and the rules which apply to other uncrewed aircraft. This alignment will avoid inconsistent laws and maintain a regulatory regime which is intelligible for users.

4.6 This instrument also makes a small correction to the Air Navigation Order 2016 ("the ANO 2016") arising from the Air Navigation (Amendment) Order 2025. It removes the words "as amended from time to time" from the definition of "Sailplane Regulation" in Schedule 1 to the ANO 2016.

Where does the legislation extend to, and apply?

4.7 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.8 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland and, in relation to the definition of "Sailplane Regulation" in Schedule 1 to the ANO 2016, on or in the neighbourhood of an offshore installation (by virtue of article 17 of the ANO 2016)."

5. Policy Context

What is being done and why?

5.1 The instrument makes changes to the operational rules which apply to TSUA. These changes will bring the regulation of TSUA up-to-date with the rules which apply to other uncrewed aircraft where appropriate and proportionate.

5.2 The operational requirements for TSUA are set out in article 265E of the ANO 2016.

5.3 Firstly, the circumstances in which aircraft operators are required to register themselves are changed. The requirement will now apply where the operator is using an aircraft which has a maximum take-off mass ("MTOM") of 100g or more and is equipped with a camera. Under current rules, which will remain, TSUA operators must be registered when operating an aircraft, with a MTOM of 250g or more. Aligning registration requirement with those for other uncrewed aircraft, where appropriate and proportionate, provides aircraft users with greater certainty and predictability.

5.4 Secondly, new operational requirements will apply to heavier TSUA (those with an MTOM of 250g or more). Heavier TSUA must now be flown at a horizontal distance of at least 50m from uninvolved persons and at a horizontal distance of at least 50m from buildings. This change improves safety and ensures regulations are clear and

[1] http://www.legislation.gov.uk/id/uksi/2025/1106

proportionate for UAS operations away from congested areas. Thus, we expect this should reduce the risk of any TSUA incidents.

5.5 Thirdly, the operational requirements will not apply to operations which are conducted in an area which is wholly or mainly enclosed and where no uninvolved persons are present, as we consider TSUA operations in this area to be lower risk.

5.6 These changes to the rules which apply to TSUA reflect changes which have been made to the rules which apply to other uncrewed aircraft. The Department recently made an instrument (the Unmanned Aircraft (Amendment) Regulations 2025) which makes various amendments to the Implementing Regulation, which governs the operation of other uncrewed aircraft.

5.7 Bringing the rules which apply to TSUA into alignment with those which apply to other uncrewed aircraft is necessary to ensure consistency. It ensures that the overall regulatory regime remains consistent and intelligible for the users of aircraft.

5.8 This instrument also brings police powers in relation to TSUA up-to-date with these changes to the operational rules. The police have various powers (e.g. to search a person or aircraft, to require certain documents or information) under the Air Traffic Management and Unmanned Aircraft Act 2021 ("the 2021 Act"), which assist them in enforcing the offences for breaching operational requirements. These powers need to correspond to the latest version of the rules which apply to TSUA. This instrument makes the necessary changes to the 2021 Act.

5.9 This instrument also makes a small amendment to the ANO 2016 to correct an unintended ambulatory reference erroneously inserted by the Air Navigation (Amendment) Order 2025.

What was the previous policy, how is this different?

5.10 As explained above, there are three changes to the operational rules which apply to TSUA: one which relates to registration of aircraft operators, a second which relates to operational requirements for heavier TSUA and a third which creates an exception for operations in certain areas where no uninvolved persons are present.

5.11 In relation to registration, the amended Article 14 of the Implementing Regulation now includes a weight-based requirement, replacing the reference to 'toy' aircraft (an aircraft which complies with the Toys (Safety) Regulations 2011)."

5.12 The operational requirements which have been introduced did not exist before, so these are new requirements intended to improve the safety of operations using heavier TSUA.

5.13 Operations which are conducted in an area which is wholly or mainly enclosed are considered sufficiently low-risk that it is not necessary for operational requirements to apply to them.

6. Legislative and Legal Context

How has the law changed?

6.1 The operational requirements which apply to TSUA have changed by virtue of the amendments made to the ANO 2016.

6.2 As mentioned above, TSUA are outside the scope of the Implementing Regulation. This is because the Implementing Regulation was made using powers in Regulation 2018/1139 ("the Basic Regulation") and Article 2(3)(d) of and Annex I to the Basic Regulation excludes TSUA from its scope.

6.3 Article 265E applies certain requirements in the Implementing Regulation to TSUA by cross-referring to these requirements. The Unmanned Aircraft (Amendment) Regulations 2025 made a number of amendments to the Implementing Regulation. This SI makes amendments the ANO 2016 so that these amendments carry through and, where relevant, apply to TSUA.

6.4 This instrument also makes changes to Schedules 8 and 9 to the 2021 Act, which provide for police powers in relation to uncrewed aircraft. Some of the police powers in Schedules 8 and 9 refer to article 265E.

6.5 There is only one textual change which needs to be made to the 2021 Act. The parenthetical descriptions in sub-paragraphs (i) and (ii) of paragraph 2(3) of Schedule 9 refer to the 250g weight limit, but this is no longer accurate.

6.6 This instrument removes the words "as amended from time to time" from the definition of "Sailplane Regulation" in Schedule 1 of the ANO 2016. This is to remove an unintended ambulatory effect erroneously added by the Air Navigation (Amendment) Order 2025.

Why was this approach taken to change the law?

6.7 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 A consultation was not undertaken. As explained above, this instrument makes changes to the law on TSUA which reflect changes made by the Unmanned Aircraft (Amendment) Regulations 2025. The Department conducted a consultation to inform the amendments made by that instrument, which is explained further in the explanatory memorandum to that instrument. Therefore, the department did not feel that a separate consultation on this instrument would have provided any information that was not already provided by the earlier consultation.

7.2 The content of this instrument does not include devolved matters, and therefore the department did not need to conduct a formal consultation with the devolved administrations.

8. Applicable Guidance

8.1 TSUA requirements sit under the Air Navigation Order 2016. The CAA has existing guidance on the TSUA requirements in Civil Aviation Publication (CAP) 722. However, the CAA does not intend to update CAP 722 because they will retire it in due course. Instead, they have migrated most of the content to their new webpages (and will update the webpages with additional guidance on TSUA), which act as a single source of comprehensive information.

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as the impact on businesses falls below the Better Regulation Framework's de minimis exemption threshold. Instead, a de minimis assessment (DMA) has been undertaken to assess the impacts of the measures. The net present value is estimated to range between -£1,569 to -£8,318. This will be published along with the Statutory Instrument.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is a net cost of between -£1,569 to -£8,318 over the appraisal period (2025 prices, 2026 present values) compared to existing legislation. This comprises costs to operators arising from the requirement to apply for an Operator ID annually to operate TSUA which have a mass of over 100g and which are fitted with a camera and the cost of familiarisation with the updated legislation. Furthermore, there should be some benefits to businesses from having streamlined regulatory requirements across the UAS sector.

9.3 The legislation does impact small or micro businesses.

9.4 However, exemptions are not appropriate as they would undermine the objective to align with wider regulation of other UAS, where exemptions from these specific aspects of the regulation do not apply to small and micro business. Furthermore, the introduction of the need for TSUAs to be a minimum horizontal distance from uninvolved persons and buildings should reduce the risk of any TSUA incidents. Additionally, beyond enhancing safety and security through the requirement for operators to have an Operator ID which enhances safety and security, it also provides the CAA with data on the number of operators which, over time, helps with their overall oversight and monitoring of the sector.

9.5 The impact on the public sector is a small financial benefit to the CAA (£1,474 to £7,372 over the appraisal period), from the funds raised by the requirement to have an Operator ID. However, this will be at least partially offset by the administrative costs of the scheme.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 This legislation is subject to regular review where necessary and appropriate amendments are identified. These reviews take place on a more frequent basis than the maximum five-year interval required under a Post Implementation Review clause.

The Aviation Legislation, Policy and Sponsorship Group also review the impacts of any regulatory changes, multiple times a year. The Aviation Legislation, Policy and Sponsorship Group is a joint Department for Transport (DfT) and CAA board that reviews and agrees CAA proposals to amend aviation legislation. More regular reviews are appropriate, as legislation may need to be updated on a more frequent basis including in response to changes in standards and recommended Practices in international law and other developments. Regulatory impact is considered as part of this process, and advice given by the CAA takes into account the Growth Duty on regulators, which requires regulators to "consider the economic consequences of their actions; be proportionate in their decision making; and to keep regulatory burdens to a minimum".

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Keir Mather MP, Parliamentary Under Secretary of State (Minister for Aviation, Maritime and Decarbonisation), has made the following statement:

"In my view, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the provisions of the Air Navigation (Amendment) Order 2026 are such that a statutory review clause would be inappropriate, for proportionality reasons, given the costs associated with such a review."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument also amends the ANO 2016 to correct an unintended ambulatory reference erroneously added by the Air Navigation (Amendment) Order 2025. This error was brought to the Department's attention by the Joint Committee on Statutory Instruments' Thirty-fifth Report[2] published 17 October 2025 and it is being corrected at the earliest possible opportunity by this instrument.

11.2 The explanatory memorandum has been updated following questions raised by the Secondary Legislation Scrutiny Committee. Paragraph 8.1 has been updated which now states that the CAA does not intend to update CAP 722 because they will retire it in due course. Instead, they have migrated most of the content to their new webpages which act as a single source of comprehensive information.

12. European Convention on Human Rights

12.1 Keir Mather MP, Parliamentary Under-Secretary of State (Minister for Aviation, Maritime and Decarbonisation) as made the following statement regarding Human Rights:
"In my view the provisions of the Air Navigation (Amendment) Order 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts"). It does however relate to the withdrawal of the United Kingdom from the European Union because it provides for offences for the contravention of requirements in the Implementing Regulation, which is assimilated EU law, and consequentially amends provision that was made in reliance on section 2(2) of the European Communities Act 1972.

[2] Thirty Fifth Report