EXPLANATORY MEMORANDUM TO

THE UNMANNED AIRCRAFT (OFFENCES AND CONSEQUENTIAL AMENDMENTS) REGULATIONS 2025

2025 No. [XXXX]

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 David Silk, 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: 0300 330 3000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument sets out criminal offences for breaching regulatory requirements relating to the operation of unmanned aircraft (which includes drones and model aircraft), as set out in Commission Implementing Regulation (EU) 2019/947 on the rules and procedures for the operation of unmanned aircraft ("the Implementing Regulation").

4.2 The Implementing Regulation is amended by the Unmanned Aircraft (Amendment) Regulations 2025 ("the 2025 Amendment Regulations"), which are being made alongside this instrument to update the rules on unmanned aircraft, simplifying the regulatory regime and ensuring a safe and secure airspace.

4.3 The offences in this instrument largely replicate offences which were set out in the Air Navigation Order 2016 ("ANO 2016"). This instrument also provides for penalties for these offences, largely replicating the penalty provisions in the ANO 2016. Because of the amendments made by the 2025 Amendment Regulations, it is necessary to revise the offences by omitting them from the ANO 2016 and re-making them in this instrument (explained further in section 6).

4.4 This instrument ensures that the regulatory requirements remain enforceable, ensuring that operators and pilots of unmanned aircraft remain subject to appropriate penalties where they fail to comply with the regulatory framework.

4.5 Together with the regulatory updates made through the 2025 Amendment Regulations, this instrument supports a more coherent, enforceable, and future-facing Unmanned Aircraft Systems (UAS) regulatory regime in the UK.

4.6 The Department will be making a related instrument covering tethered small unmanned aircraft, a type of unmanned aircraft which fall outside the scope of the Implementing Regulation, and an instrument to appoint the Civil Aviation Authority (CAA) as market surveillance authority for the Implementing Regulation.

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.

5. Policy Context

What is being done and why?

5.1 The Implementing Regulation establishes a framework for the operation of unmanned aircraft to ensure that they are used safely and regulated proportionately. In this framework are three risk-based categories of operation: "open", "specific" and "certified". The Implementing Regulation, among other things, includes requirements for registration and competency testing, and provisions relating to operational authorisations for operations in the specific category. The Implementing Regulation also provides for model aircraft operations in the framework of model aircraft clubs and associations under a bespoke authorisation.

5.2 Regulations 2 and 3 correspond to articles 265A and 265B of the ANO 2016, with adjustments to ensure that the offences encompass breaches of the amended Implementing Regulation. Two broad offences prohibit the UAS operator from causing or permitting an unmanned aircraft be flown in a manner which would breach the Implementing Regulation. Two further offences apply to the breach of the specific individual requirements of the category, and in some instances subcategory, of flight in which the unmanned aircraft is used.

5.3 Regulation 3 sets out the operational requirements for each kind of UAS operating in the "open" category. It has been revised to reflect amendments to Part A of the Annex to the Implementing Regulation made by the 2025 Amendment Regulations. The amendments under Part A are: subcategory A1 (over people) is amended to allow UK1 (less than 900g) UAS to overfly uninvolved persons; subcategory A2 (near to people), there is a new requirement to maintain a horizontal distance of 50m from uninvolved persons which applies to 'legacy' UAS (UAS placed on the market before 1st January 2026); and subcategory A3 (far from people), UAS are required to maintain a horizontal distance of 50m from uninvolved persons and from buildings.

5.4 Regulation 4 corresponds to article 265C of the ANO 2016 and makes it an offence for the owner of an unmanned aircraft in the certified category to cause or permit that aircraft to be flown without first having registered.

5.5 Regulation 5 corresponds to article 265F(1) to (4) of the ANO 2016 and sets out the maximum penalties for each criminal offence. All offences are triable summarily and the maximum penalty is a fine. The wording in regulation 5(1)(b), relating to the level of fine in Scotland and Northern Ireland for an offence under regulation 2(2) or 3(2),

differs from the article 265F(1) of the ANO 2016. This is explained further in section 11 below.

5.6 Regulations 6 to 8 correspond to provisions in the ANO 2016 and the Civil Aviation Act 1982 which applied to the ANO 2016 offences. Regulation 6, which provides for liability of directors and other officers where an offence is committed by a body corporate, corresponds to section 99 of the Civil Aviation Act 1982. Regulation 7 sets out a defence which corresponds to regulation 265(3) of the ANO 2016. Regulation 8, which provides that the offences have effect subject to Schedule 10 to the Air Traffic Management and Unmanned Aircraft Act 2021 (fixed penalties for certain offences relating to unmanned aircraft), corresponds to article 265G of the ANO 2016.

5.7 The 2025 Amendment Regulations made various amendments to the operational requirements in the Implementing Regulation and the requirements applying to the classes of UAS in the Delegated Regulation. Since the offences require compliance with the Implementing Regulation, those amendments will alter the nature of the offences. The explanatory memorandum to the 2025 Amendment Regulations includes a detailed explanation of the amendments and policy background.

5.8 The Schedule makes consequential amendments to the Police Act 1997, the ANO 2016 and the Air Traffic Management and Unmanned Aircraft Act 2021.

What was the previous policy, how is this different?

5.9 The offences for breaching the Implementing Regulation were set out in the ANO 2016. The offences provisions in the ANO 2016 are omitted and reproduced in this instrument.

5.10 The offences in this instrument are largely equivalent to the ones which were set out in the ANO 2016. However, because of the amendments made by the 2025 Amendment Regulations, the effect of the requirements to comply with Implementing Regulation has changed. The amendments made by the 2025 Amendment Regulations are explained in full in the explanatory memorandum to that instrument.

6. Legislative and Legal Context

How has the law changed?

6.1 Articles 265A to 265F of the ANO 2016 were inserted by the Air Navigation (Amendment) Order 2020 (S.I. 2020/1555) using section 2(2) of the European Communities Act 1972, where those articles created offences for the purpose of securing compliance with the Implementing Regulation rather than with the ANO 2016. The European Communities Act 1972 was repealed by the European Union (Withdrawal) Act 2018.

6.2 Paragraph 3 of Schedule 11 to the Air Traffic Management and Unmanned Aircraft Act 2021 ("ATMUA 2021") confers a power to make regulations for the purpose of securing compliance with relevant legislation, which includes regulations made under Articles 57 or 58 of Regulation (EU) 2018/1139 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency ("the Basic Regulation"), the Implementing Regulation and the Delegated Regulation.

6.3 As mentioned above, the 2025 Amendment Regulations, which are being made alongside this instrument, amend the Implementing Regulation. Since the existing offences in the ANO 2016 operate by cross-referring to requirements in the Implementing Regulation, the amendments mean that it is necessary to revise the

offence provisions. Doing so requires exercising the ATMUA 2021 power to make a new set of regulations.

6.4 The offences set out in this instrument are largely equivalent to articles 265A to 265D and 265F(1) to (4) of the ANO 2016, but as mentioned the cross-referenced Implementing Regulation requirements have changed. Regulations 6 to 8 replicate relevant provisions from the ANO 2016 and Civil Aviation Act 1982.

6.5 Article 265E of the ANO 2016 creates offences relating to the operation of "tethered small unmanned aircraft". This term is defined, in Schedule 1 to the ANO 2016, as meaning an unmanned aircraft with a maximum take-off mass of not more than 1kg and which is flown within limits imposed by a restraining device which attaches the aircraft to the surface or to a person on the surface. Tethered small unmanned aircraft are outside the scope of the Basic Regulation, and therefore also outside the scope of the Implementing Regulation and Delegated Regulation. Article 265E was made under powers in the Civil Aviation Act 1982 rather than section 2(2) of the European Communities Act 1972. As a result, this instrument does not cover tethered small unmanned aircraft. A separate statutory instrument will address this provision.

Why was this approach taken to change the law?

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

7. Consultation

Summary of consultation outcome and methodology

7.1 The CAA, sponsored by the Department for Transport (DfT), carried out a public consultation on proposed reforms to Unmanned Aircraft Systems (UAS) Regulation in the UK. The consultation, titled Review of UK UAS Regulations (CAP 2610), ran from 22 November 2023 to 10 January 2024 and was conducted via an online survey and email submissions.

7.2 It received 3,499 responses, 3,477 via the online form and 22 via email. Respondents included recreational and commercial drone operators, manufacturers, service providers, and aviation sector organisations. 77.1% of responses (2,681) came from model aircraft flyers; 5.2% (182) were from organisations.

7.3 The consultation tested support for a broad package of proposals to simplify and modernise UAS regulation, improve safety, and support sector growth. There was broad support for simplification and improved guidance, but major objections were raised to proposed limits on legacy UAS and the short transition period for Remote ID, with many citing cost and disproportionate impact on low-risk users. These concerns were addressed by introducing a longer transition period for the most onerous requirements in the 2025 Amendment Regulations and for UAS purchased before 1st January 2026.

7.4 The CAA reviewed all responses and worked closely with DfT, the Home Office, Department for Business and Trade, British Standard Institute and policing partners. The final consultation response was published on 8 May 2025[1] Appendix B of that document provides a full quantitative breakdown of responses by proposal.

7.5 DfT consulted with Scotland and Northern Ireland on offences affecting their devolved administrations.

[1] https://www.caa.co.uk/our-work/publications/documents/content/cap3105/.

8. Applicable Guidance

8.1 The CAA is due to publish Acceptable Means of Compliance (AMC) and Guidance Material (GM) to accompany the legislation before the new requirements come into force on 1 January 2026. The AMC[2] and GM[3] will be available on the CAA Regulatory Library Part Two: Impact and the Better Regulation Framework.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the impact on businesses falls below the Better Regulation Framework's de minimis exemption threshold. Instead, a series of light touch appraisals have been undertaken to assess the impacts of the measures. This will be published along with the Statutory Instruments.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is a net saving of £10.2 million over the appraisal period (2025 prices, 2025 present values) compared to existing legislation. This comprises savings of £10.1 million by extending the period in which some legacy UAS can be operated in the Over People (A1), Near people (A2) and Far from People (A3) sub-categories until 2028 and £1.3 million related to relaxed requirements for conformity assessments, and additional costs of £0.2 million due to additional pilot competency requirements, £0.6 million for familiarisation, and £0.3 million related to Direct Remote ID.

9.3 Whilst the legislation does impact small and micro businesses, exemptions are not appropriate as they would undermine the safety and security benefits for instance, exempting them from the Direct Remote ID requirements would allow criminals wishing to avoid being tracked to simply purchase from those manufacturers. However, a number of measures have been taken to minimise the impact on businesses, including the adoption of a transition period and a more flexible approach to conformity assessment for some UAS. Without these measures, businesses would face higher costs from immediate compliance and scrapping legacy UAS. The chosen approach allows continued use and phased adaptation, supporting both safety and sector growth.

9.4 There is no significant impact on the public sector as the key costs, related to the development and running of the Market Surveillance Authority would be incurred in any case under existing legislation.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 Unmanned Aircraft legislation is subject to regular review through which necessary and appropriate amendments are identified. These reviews take place on a more frequent basis than the five-year interval required under the Post Implementation Review clause. The Aviation Legislation, Policy and Sponsorship Group also review the impacts of any regulatory changes, multiple times a year. More regular reviews

[2] https://regulatorylibrary.caa.co.uk/2019-947/Content/UAS947_1.htm.
[3] https://regulatorylibrary.caa.co.uk/2019-945/Content/UAS945_Title.htm.

are appropriate, as legislation may need to be updated on a more frequent basis including in response to changes in Standard and Recommendation Practices 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 Unmanned Aircraft (Offences and Consequential Amendments) Regulations 2025 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 relates to the 2025 Amendment Regulations. That instrument makes various amendments to the Implementing Regulation and Delegated Regulation. As noted in sections 5 and 6, those amendments necessitate making changes to the provisions setting out offences for breaching the Implementing Regulation.

11.2 The Department plans to make two further instruments which relate to this instrument, mentioned at paragraph 4.6 above.

11.3 As explained in sections 5 and 6 above, this instrument omits and largely re-makes offence provisions from the ANO 2016. Regulation 5 of this instrument corresponds to article 265F(1) to (4) of the ANO 2016. Regulation 5(1)(b) provides that the level of fine in Scotland and Northern Ireland for an offence under regulation 2(2) or 3(2) is a fine not exceeding level 5 on the standard scale. This differs from article 265F(1)(b), which provided that the level was a fine not exceeding the statutory maximum. The reference to the statutory maximum was inappropriate as, for an offence triable only summarily, the highest level of fine is usually expressed as a fine not exceeding level 5 on the standard scale. The department has consulted the SI Registrar as to whether to apply the free issue procedure to this instrument on the basis of the change in regulation 5(1)(b). The SI Registrar's view was that the free issue procedure does not need to be applied, since the correction only forms a small part of the instrument.

11.4 The Department intends for this instrument to be made by 11th December 2025, so that it can come into force on 1st January 2026 in compliance with the 21-day rule. However, if the instrument cannot be made by that date, regulation 2 provides that the instrument will come into force on 1st January, or, if later, the day after the day on which it is made. The Department has publicly stated that the changes made by this instrument and the 2025 Amendment Regulations will take effect on 1st January 2026, and the Department considers that it is important to meet this expectation, or, if that is not possible, to have the instruments come into force as soon as possible after that date.

11.5 The changes to the law made by this instrument largely reflect the amendments to the Implementing Regulation made by the 2025 Amendment Regulations. The intention is for the 2025 Amendment Regulations to be made in October 2025, so that they will have been publicly available for over two months at the point when this instrument takes effect. There was a public consultation on the 2025 Amendment Regulations (detailed in the Explanatory Memorandum to those Regulations), so many will already be aware of the upcoming changes.

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 Unmanned Aircraft Offences Regulations 2025 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.