

Consultation: Extending the provisions for Legacy and Transitional Category UAS

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Chapter 1 Executive Summary

Background

Unmanned aircraft systems (UAS) operate within one of three categories; Open, Specific or Certified. This consultation primarily impacts Open category operations. More details on the categories of UAS can be found in the table below. The boxes in red highlight the areas being consulted on.

Operation		UAS			UAS Operator	Remote pilot
Subcategory	Operating Area	Class	Mass/KE/Speed	Operating Date limitations	Registration	Competency
All	- Max height 120m/400ft (see UAS. OPEN.010 [3] & [4] for specific obstacle and sailplane limits) - No dropping of articles - No carriage of dangerous goods				Minimum age 18	
A1	Fly over uninvolved people, but not over crowds	Privately built	<250g 'flying weight' and <19m/s	Nil	Only if 'camera' equipped (but not toys)	Read user manual
		Legacy (placed on market before 1 Jan 23)	<250g 'flying weight'			
		C0 (toy) C0 (not a toy)	<250g MTOM and ≤19m/s			
	No intentional flight over uninvolved persons	C1	<900g MTOM or <80 J	Nil	Yes	- User manual - Online training - Online (foundation) test
		A1 Transitional (Article 22)	<500g 'flying weight'	Not after 31 Dec 22		- A2 CoFC Theoretical test
A2	No closer than 30m horizontally from uninvolved persons (5m in 'low speed' mode)	C2 (can also be used in A3)	<4kg MTOM	Nil	Yes	- User manual - Online training - Online (foundation) test - Self-practical training - A2 CoFC Theoretical test
	No closer than 50m horizontally from uninvolved persons	A2 Transitional (Article 22)	<2kg 'flying weight'	Not after 31 Dec 22		
A3	- No uninvolved people present within the area of flight. Maintain 50m separation from any uninvolved people - No flight within 150m horizontally of residential, commercial, industrial or recreational areas	C3	<25kg MTOM	Nil	Yes	- User manual - Online training - Online (foundation) test
		C4				
		Privately built	<25kg 'flying weight'			
		Legacy (placed on market before 1 Jan 23)				

Within the Open category, 'legacy' UAS and 'transitional' UAS (those which do not conform to class mark product standards) may currently be used as follows:

- **Legacy:** indefinitely, but only when the UAS was newly placed on the market before 01 Jan 2023.
- **Transitional:** Only until 31 December 2022.

Legacy UAS arrangements allow for UAS that do not confirm to a Class Marking standard, that are placed on the market prior to the 01st of Jan 2023, to operate indefinitely in the A1 or A3 sub-categories of the Open Category. Within the current regulatory framework, any UAS placed on the market after the 01st of Jan 2023 can not be flown under Legacy UAS privileges.

Transitional UAS arrangements allow for UAS (that meet certain technical and operational requirements) to be operated in the A1, A2, and A3 subcategories for the Open category until the end of 2022. Within the current regulatory framework, no UAS can be flown under Transitional Category privileges after the end of 2022.

Why are we consulting?

The CAA does not believe that the UK has in place the necessary infrastructure to move away from non-class marked UAS, to class marked UAS by 01 Jan 2023, and so would like to consult on a proposal to extend the legacy and transitional period, to allow time for the necessary steps to be taken by Government; some of these include:

- Establishment of the market surveillance authority
- Establishment of conformity assessment bodies
- Creation and adoption of relevant standards

The purpose of this consultation is to gauge stakeholder support for, or against, an extension to the Legacy and Transitional UAS provisions described above, and for how long, and to better understand the impact of making this change, or not.

Note: In March 2022, EASA announced the European Union's decision to extend the applicability dates of both Transitional and Legacy UAS under their own regulatory framework. As the UK is no longer a member of the EU there is no compulsion for the UK to automatically mirror what the EU or EASA does. However, it may be useful to recognise that the EU have responded in this way in the face of similar practical challenges.

Chapter 2

Next steps and how to respond

- 2.1 A full list of the consultation questions can be found in appendix A.
- 2.2 Responses to this consultation which can be submitted electronically via <https://consultations.caa.co.uk/corporate-communications/legacy-and-transitional-provision> by no later than 13 May 2022.
- 2.3 Any enquiries regarding this consultation should be submitted via email to uavenquiries@caa.co.uk
- 2.4 We will consider all responses and aim to publish a final decision in June 2022.
- 2.5 If the proposed change is supported, there will be an implementation period while we make the necessary changes to legislation.

APPENDIX A**Consultation Question**

- 1) Would you be in favour of extending the provisions for *Legacy* category UAS in the Open Category? **Yes/No/I don't know**
- 2) Would you be in favour of extending the provisions for *Transitional* category UAS in the Open Category? **Yes/No/I don't know**
- 3) If you voted **YES** to question (1), over what additional period should the extension be valid? **12 months, 24 months, >24 months**
- 4) If you voted **YES** to question (2), over what additional period should the extension be valid? **12 months, 24 months, >24 months**
- 5) Do you have any additional comments in relation to the proposed extension, including any impact of either extending, or not extending these provisions may have for you?