

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Twelfth Delegated Legislation Committee

DRAFT UNMANNED AIRCRAFT (AMENDMENT)
(EU EXIT) REGULATIONS 2020

Wednesday 9 December 2020

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The Committee consisted of the following Members:

Chair: ANDREW ROSINDELL

Ali, Rushanara (<i>Bethnal Green and Bow</i>) (Lab)	† Mullan, Dr Kieran (<i>Crewe and Nantwich</i>) (Con)
Ali, Tahir (<i>Birmingham, Hall Green</i>) (Lab)	Smith, Nick (<i>Blaenau Gwent</i>) (Lab)
Anderson, Fleur (<i>Putney</i>) (Lab)	† Stevenson, Jane (<i>Wolverhampton North East</i>) (Con)
† Anderson, Lee (<i>Ashfield</i>) (Con)	† Tami, Mark (<i>Alyn and Deeside</i>) (Lab)
† Courts, Robert (<i>Parliamentary Under-Secretary of State for Transport</i>)	† Throup, Maggie (<i>Lord Commissioner of Her Majesty's Treasury</i>)
† Djanogly, Mr Jonathan (<i>Huntingdon</i>) (Con)	† Trott, Laura (<i>Sevenoaks</i>) (Con)
Grady, Patrick (<i>Glasgow North</i>) (SNP)	† Williams, Craig (<i>Montgomeryshire</i>) (Con)
† Kane, Mike (<i>Wythenshawe and Sale East</i>) (Lab)	Hannah Bryce, <i>Committee Clerk</i>
† Lamont, John (<i>Berwickshire, Roxburgh and Selkirk</i>) (Con)	
† Mayhew, Jerome (<i>Broadland</i>) (Con)	† attended the Committee

Twelfth Delegated Legislation Committee

Wednesday 9 December 2020

[ANDREW ROSINDELL *in the Chair*]

Draft Unmanned Aircraft (Amendment) (EU Exit) Regulations 2020

2.30 pm

The Parliamentary Under-Secretary of State for Transport (Robert Courts): I beg to move,

That the Committee has considered the draft Unmanned Aircraft (Amendment) (EU Exit) Regulations 2020.

It is a great pleasure to serve under your chairmanship, Mr Rosindell. The draft regulations will be made under the powers conferred by the European Union (Withdrawal) Act 2018. The regulations amend EU delegated regulation 2019/945, which sets out new product standards for unmanned aircraft, and EU implementing regulation 2019/947, which sets out new requirements for the operation of unmanned aircraft.

EU delegated regulation 2019/945 requires unmanned aircraft and associated accessories to be designed and manufactured in accordance with certain standards. It creates classes of unmanned aircraft and defines the characteristics of those classes. It imposes certain obligations on manufacturers, importers and distributors, such as ensuring that unmanned aircraft are accompanied by a manufacturer's instructions. It also defines those unmanned aircraft whose design, production and maintenance shall be subject to certification.

That regulation entered into force and became applicable on 1 July 2019. However, transitional provisions mean that while most existing unmanned aircraft can continue to be sold for now, products placed on the market after 1 January 2023 must comply with the requirements of the delegated regulation.

EU implementing regulation 2019/947 requires unmanned aircraft to be operated in accordance with certain rules and procedures. It creates operational categories that unmanned aircraft can be flown in, proportionate to the level of risk proposed by an operation. The open category is for the lowest risk operations and requires operators and remote pilots to abide by certain requirements. If those requirements cannot be met, an authorisation must be obtained to fly in the specific category.

The highest risk operations, including use of unmanned aircraft designed for carrying dangerous goods or for transporting people, must occur in the certified category. That requires the certification of the unmanned aircraft and the operator and, where applicable, the licensing of the remote pilot.

The regulation also imposes requirements on operators and remote pilots to ensure that operations are carried out safely and securely. For example, remote pilots must meet any applicable competency requirements for the flights that they undertake. This regulation entered into force on 1 July 2019 but is not applicable until 31 December this year. Therefore, it will still be retained in UK law.

As civil aviation is a reserved policy area, both regulations apply to the whole United Kingdom. The withdrawal Act will retain both the delegated and implementing regulations in UK law after the end of the transition period. The draft regulations we are considering make the necessary changes so that the regulations continue to function correctly. This is essential to ensure the continuation of an effective regulatory regime for unmanned aircraft.

The draft regulations are subject to the affirmative procedure because they create or amend a power to legislate. For example, they provide the Secretary of State with the power to make regulations designating geographical zones for safety, security and privacy or environmental reasons.

The most significant amendment made to the delegated regulation is to provide a new power for the Secretary of State to designate standards after the end of the transition period. Until that power is exercised, unmanned aircraft and associated accessories that conform to EU harmonised standards will continue to be considered compliant with EU requirements, and those requirements will be recognised by the UK. It is not possible for those harmonised standards to be recognised in UK law yet, as they are still under development in the European Union.

Another significant amendment replaces the term "notified body" with "approved body", thereby enabling the Secretary of State to approve bodies to carry out conformity assessments without notifying the EU Commission. Other changes to the regulation are mostly minor and technical, including replacing the phrase "a language which can be easily understood", with the word "English".

The amendments to the implementing regulation are minor but equally important. As well as providing the Secretary of State with the regulation-making power to designate geographical zones, this instrument amends various references to EU institutions and appoints the Civil Aviation Authority as the competent authority for the purposes of the implementing regulation.

Finally, this instrument amends articles 94A and 94B of the Air Navigation Order 2016 by removing references to the European Union Aviation Safety Agency. That ensures that the flight restriction zones that currently apply around EASA-certified aerodromes will still apply after the end of the transition period.

This instrument demonstrates that the Government are committed to ensuring a fully functioning regulatory framework for unmanned aircraft after the transition period. While we are focused on securing the best arrangements for our future relationship with the EU, including in the aviation sector, this instrument will ensure that legitimate, safe unmanned aircraft operations can continue, while ensuring effective oversight if we get to the end of the transition period without a deal. I commend the regulations to the Committee.

2.36 pm

Mike Kane (Wythenshawe and Sale East) (Lab): It is a pleasure to serve under your chairmanship, Mr Rosindell. I would like to place on the record my thanks for your chairmanship of the Chagos Islands (British Indian Ocean Territory) all-party parliamentary group. As you know, I have a significant community in my aviation

constituency who work at Manchester airport, and it has been a great pleasure to work with you on that issue over the years.

I can see that Members across the room are absolutely riveted by this delegated legislation. Thank God we are doing the Prime Minister's work for him today and this is not part of the subject of the negotiation tonight in Brussels with Ursula von der Leyen. We can praise the Lord for that, I am sure.

As the Minister says, these regulations keep the effect of the policy framework established by the EU implementing and delegated regulations. They ensure that certain provisions relating to unmanned aircraft will be retained in UK law and will continue to apply after the end of the transition period, in just three weeks' time.

The regulations enable the Secretary of State to designate standards after the end of the transition period. In the meantime, unmanned aircraft that conform to current standards will be considered compliant with the EU requirements recognised by the UK. The main immediate consequence of these regulations is that, as we will no longer be part of the EU or the European Union Aviation Safety Agency, the European Union standards CE marking will be replaced by an official UKCA marking, recognised in the UK. The same product standards as currently apply will be maintained. As a result, unmanned aircraft that lawfully bear the CE marking can continue to be put on the UK market. The regulations set out a transitional period to 1 January 2023, during which unmarked CE or UK unmanned aircraft will continue to be placed on the market.

I genuinely believe that the long-term prospects for drones in the UK are particularly exciting and hope to work with the Minister in this post over the years to come. Future drones could be deployed in search and rescue—I had the great pleasure of talking to Airbus about this just the other week—as part of the next phase of the Maritime and Coastguard Agency's search and rescue provision. I am sure the Minister shares my enthusiasm about implementing this technological boon in the UK's search and rescue capabilities in our remote mountain regions and the seas around our great islands.

Do the Government have any view on whether the designated standards from the end of the transitional period will vary to a significant degree, and if so, in what way will they vary from the current standards under the implementing regulation? Has the Minister

considered what effect this divergent system may have on the development of drone technology in the UK as compared with the EU?

I welcome these regulations. The opportunities for unmanned aircraft are enormous. I was pleased to see Baroness Vere confirm that the purpose of the Government's framework is to provide certainty so that the UK can capture these future opportunities. I hope it will also provide flexibility and allow future innovation while maintaining our exemplary safety standards.

2.39 pm

Robert Courts: I thank the Committee for its consideration of these draft regulations. I will respond to the points raised by the hon. Member for Wythenshawe and Sale East, whom I thank both for his questions and for his enthusiasm about the future benefits of this technology, which I entirely share. He is absolutely right: there are many opportunities for unmanned use, in search and rescue and many other things besides. I very much look forward to working with him as we develop plans to realise those benefits.

In answer to his questions, I can confirm that the Government have no immediate plans to diverge from the standards set out in the delegated regulation. Nor are there currently plans to diverge from the requirements of the implementing regulation, apart from the requirement to have a remote pilot minimum age. However, as with all legislation, we will keep the regulations under review to ensure that they are fit for purpose. When we are doing that, our primary concern will of course continue to be the safe and secure use of unmanned aircraft.

These regulations will make the necessary changes to delegated regulation 945, which sets out product standards for unmanned aircraft, and retain implementing regulation 947, which sets out rules and procedures for the operation of unmanned aircraft to continue, to ensure proper functioning after 31 December 2020. Without this, we would be unable to continue to effectively regulate unmanned aircraft while also maximising the benefits of such technology. I hope the Committee has found this afternoon's sitting both interesting and informative and that it will join me in supporting these regulations.

Question put and agreed to.

2.41 pm

Committee rose.

