

The HSE and drones

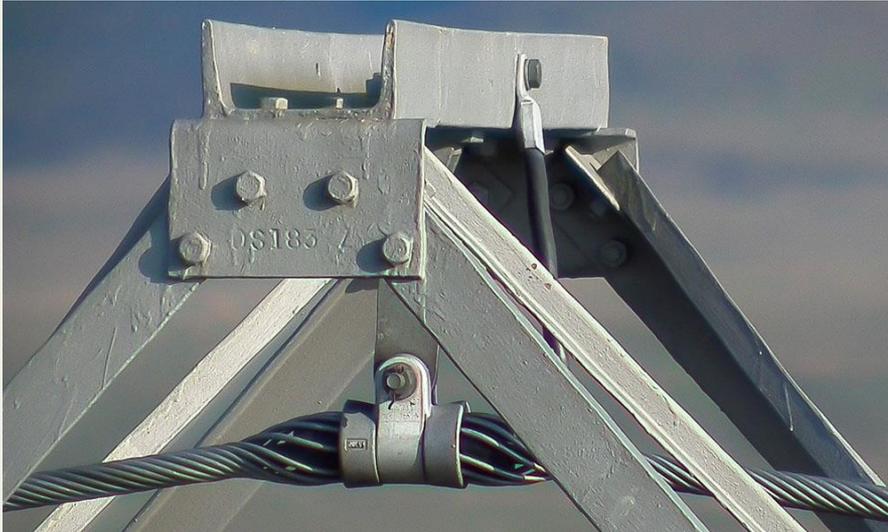
A white quadcopter drone is centered in the background, flying against a light green gradient. The drone has four propellers, a camera mounted on the bottom, and orange and white stripes on its arms. The text is overlaid on the drone.

M (Flip) Sandell

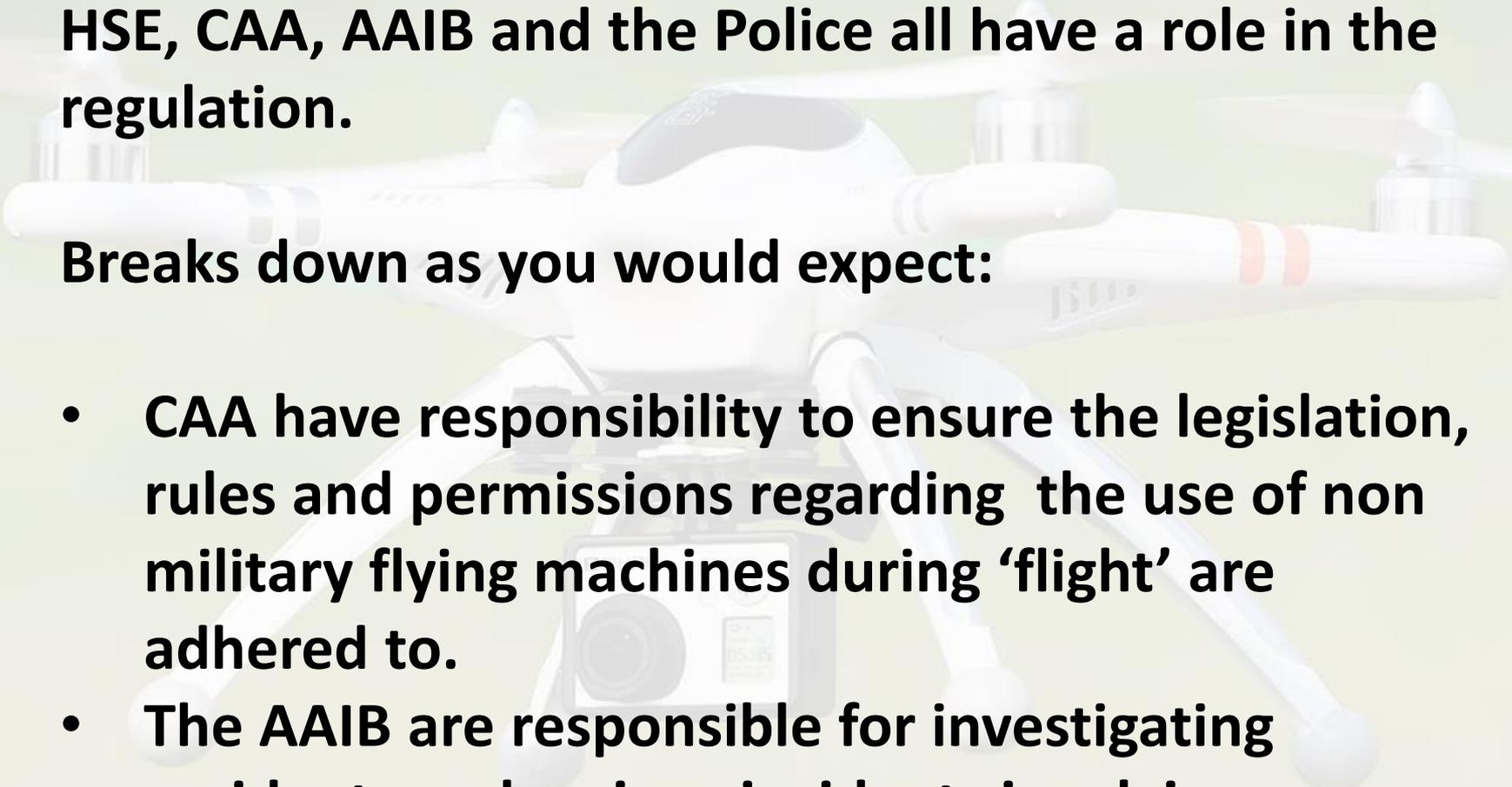
HM Inspector of Health and Safety

Entertainment and Leisure Sector HSE

Drones at work



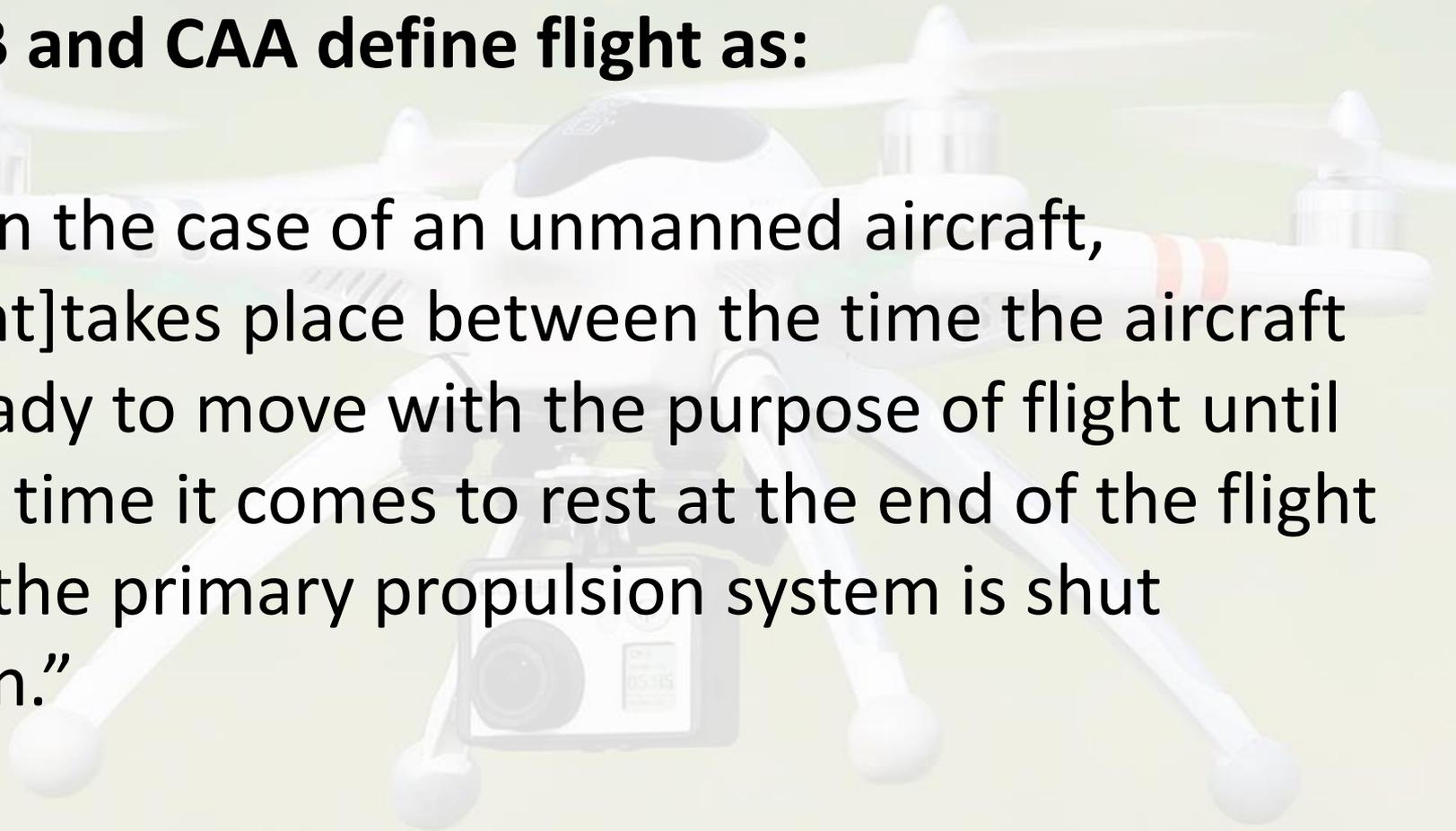
The HSE and drones

- **HSE, CAA, AAIB and the Police all have a role in the regulation.**
 - **Breaks down as you would expect:**
 - **CAA have responsibility to ensure the legislation, rules and permissions regarding the use of non military flying machines during ‘flight’ are adhered to.**
 - **The AAIB are responsible for investigating accidents and serious incidents involving non military flying machines during ‘flight’.**
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'Flight'

AAIB and CAA define flight as:

“.....in the case of an unmanned aircraft, [flight]takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down.”



The Police, HSE and drones

- **The Police will take first line action where the drone is being used dangerously or where it is being used in a way that may constitute nuisance or a criminal offence. People can behave illegally whilst complying with CAA rules.**
- **The HSE have no powers to dictate how a drone is to be used/not used. It will not have primacy in accidents resulting from the use of drones. It does however have wide ranging powers to ensure the safety of workplaces....**

Legislation

CAA enforces the legislation and provides guidance for the flying of drones at work and for leisure.

Both the Civil Aviation Act and Health and Safety at Work Act are sovereign legislation; both have to be complied with;

A MOU exists between HSE and the CAA outlining where the lines concerning the enforcement of H&S are drawn. <http://www.caa.co.uk/Our-work/About-us/The-CAA,-HSE-and-HSENI/>

HSE interest

From the HSE/CAA MOU

By agreement HSE is responsible for regulating the occupational health and safety of all work activities on and around an aircraft on the ground, except the activities of crew members whilst they are on board the aircraft.

The HSE retains enforcement responsibilities for health and safety employee and employer consultation legislation.

HSE interest

From the Air Accident Investigation Branch (AAIB) website:

“Accident” means an occurrence associated with the operation of an aircraft which, in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down.

During this time the responsibility for conducting thorough, independent, impartial and timely investigations into air accidents and serious incidents lies with the AAIB

HSE interest

For drones, HSE will have enforcing authority:

- **For all activities on the ground less those directly related to the aircraft itself when it is about to fly and until it is powered down.**
- **During the on site setup and preparatory activities.**
- **During the post flight site activities.**

HSE and LAs have no enforcement authority during any flight activities; think light aircraft and helicopters.

Enforcement

- **Current split regarding enforcement is clear and is not significantly different to that for R/C model aircraft, helicopters etc.**
- **UAV/UAS are likely to become more complex, able and common as new uses are found; early stage talks are ongoing between EU/UK and regulators about use and safety regulation across Europe.**
- **Bottom line is that HSE has enforcement up to and after the flight of drones but once the machine is in the air, its CAA or AAIB.**

Questions

