

HJ HIGGS & JOHNSON

YOU AND YOUR DRONE

Special Regulation No. 1

Bahamas Special Regulation Requiring Registration and Restricted Use of Drones

Responding to its mandate to protect the public interest and safety by incorporating into the Civil Aviation Safety Regulations certain requirements specific to The Bahamas aviation environment the Civil Aviation Department has issued Special Regulation No. 1 of 2016 (the "special regulation") which requires registration and restricted use of all unmanned aircraft systems.

Registration Requirements

Effective 1st February, 2016 all persons wishing to import unmanned aircraft systems into The Bahamas, whether for commercial or recreational use, must first obtain a Certificate of Registration from the Civil Aviation Department in order for the Customs Department to release the unmanned aircraft system to the owner.

Owners of unmanned aircraft systems already in The Bahamas have until 29 February, 2016, to register their unmanned aircraft systems with the Civil Aviation Department. Failure to register may result in the unmanned aircraft systems being detained by the Flight Standards Inspectorate of the Civil Aviation Department.

Restrictions On Use

To obtain a Certificate of Registration the person in charge of an unmanned aircraft system must agree not to fly the unmanned aircraft system in any of the circumstances described below except in accordance With a permission issued by the Civil Aviation Department. The restricted circumstances referred to above are as follows –

- (a) within 5 nautical miles of any airport;
- (b) at a height not exceeding 200 ft.;
- (c) within 500 ft. of any congested or populated area;
- (d) within 500 ft. of an organized open-air assembly of more than 100 persons;
- (e) within 100 ft. of any vessel, vehicle or structure which is not under the control of the person in charge of the unmanned aircraft system, without special permission of the owner of the vessel, vehicle or structure;
- (f) within 175 ft. of any person;
- (g) during takeoff or landing, an unmanned aircraft system must not be flown within 100 ft. of any person;
- (h) paragraphs (f) and (g) do not apply to the person in charge of an unmanned aircraft system or a person under the control of the person in charge of an unmanned aircraft system.

The special regulation will remain in effect for 12 months from the 1st February 2016, until the requirement has been incorporated into law or the special regulation is repealed by the Civil Aviation Department, whichever is earlier. The Civil Aviation Department has noted that it will not be responsible for any accidents, incidents, mishaps, injuries or damage that may occur as a result of the operation of unmanned and remotely controlled aircraft, and will require that the operator/owner assume such liability.

For more information

We at Higgs & Johnson are available to assist with an array of aviation related concerns which include advising on structures for acquisition and financing of aircraft. If you desire further information for Bahamas related aviation matters you may contact Michael F. L. Allen at mallen@higgsjohnson.com.

For Cayman related matters Francine Bryce at fbryce@higgsjohnson.com or Jo-Anne Stephens at jstephens@higgsjohnson.com.

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