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THE SOUTH African Civil Aviation Authority (SACAA) has confirmed that it has referred two complaints of Cape Town-based companies operating drones illegally to the police for further investigation.

Phindiwe Gwebu, of the SACAA, said one of the operators was flying banners, and "one would assume it was for commercial purposes".

While drones have become popular with estate agents, guest houses and even event organisers wanting aerial shots, there is currently no legislation regulating the use of drones in South Africa.

In fact, the Civil Aviation Act states that the operator of any craft related to aviation, under which drones, remote-controlled helicopters and fixed-wing aircraft fall by legal definition, "for the purpose of reward" must have an Air Service Licence (ASL) number and certificate. "Otherwise the operator is illegal."

The SACAA said that while draft regulations for Remotely Piloted Aircraft Systems (RPAS) had been submitted to the national transport minister, the use of these devices remained illegal. "The Civil Aviation Regulations prescribe requirements for operating any aircraft in the South African airspace. To date, no Remotely Piloted Aircraft Systems have been able to comply with these requirements."

A Cape Town-based aerial advertising company has spoken out about companies that operate these devices above Cape Town without the required licences. "It is just a matter of time before there is a collision or other incident. Why must it be written in blood (before people comply with the law)?"

The Cape Argus has seen footage of an incident last year where a banner was dropped because someone on the ground accidentally flicked the release switch of their drone's remote control. Fortunately the banner landed in the sea near Clifton.

Safety was one of the factors being considered by the International Civil Aviation Organisation at its symposium in Canada last week where the SACAA presented its



PICTURE: REUTERS

Drones fly through loophole

No legislation regulating its use sees companies taking advantage

draft regulations for RPAS. These include requirements for operators of these devices for commercial, corporate or non-profit use to have a specific RPAS pilot's licence from an SACAA-accredited school.

South Africa's draft regulations have yet to be signed into law by the minister of transport.

Meanwhile, there are numerous companies offering aerial photography and advertising services with drones.

One of the operators offered the following on its website: "We specialise in flying large advertising banners from underneath powerful, commercial grade radio controlled helicopters with a range of a few

kilometers. We also offer various aerial photographic/video services."

It goes on to say: "We can fly your advertising banner literally anywhere no matter how small or how big the area you want to cover. Your banner can be flown inside stadiums, through city centres and at big events such as Cape Argus cycle tour or Two Oceans Marathon. It can also be flown along beaches, all the beaches in Cape Town from Tableview to Muizenberg can be covered in three hours, and we can fly the entire coastline from Durban to Cape Town in a week."

When contacted about its air service licence, the company responded by referring to an article that said that there was no law currently governing the use of drones and none of its activities was illegal.

It did not respond to a question about its air service licence, which is mandatory for a company operating for commercial gain.

Herman Wildenboer, the principal legal advisor to the SACAA, has said in response to questions about the legality of using drones for commercial purposes, that towing a banner with an aircraft was only legal if the operator has a domestic air service licence.

In a statement, the SACAA said it had not given any concession or approval to any organisation or individual, institution or government entity to operate RPAS within the civil aviation airspace.

"The SACAA has been receiving reports that there are individuals and/or organisations that are already operating or intending to operate RPAS in the South African civil aviation airspace without approval," said Poppy Khoza, director of Civil Aviation.

"Those that are operating any type of RPAS are doing so illegally. Operating RPAS in an unregulated manner can have devastating consequences and no one can be allowed to operate them until such time the regulations have been approved."

The City of Cape Town has already tested the use of a drone for crime fighting purposes. Garreth Bloor, mayoral committee member for economic, environment and spatial planning, said the SACAA, and not the municipality, was the decision-making authority on the use of drones.

"The key issues are safety and privacy. The drones need to be under the correct supervision and control so that they are not a danger to the public or those on film sets."