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## **Drone Technology Taking Flight**

A drone is a small unmanned aircraft equipped to undertake any form of surveillance or data acquisition, while its operator remains on the ground. Malaysia has integrated this innovative technology into various industries. For example, drones have become widely used in the commercial aerial photography market and the advertising field.

As drone technology becomes increasingly prevalent in our everyday lives, the question then turns to one of regulation: How are drone operators regulated in Malaysia?

The current laws on drones are laid out under the Civil Aviation Regulations Act 2016 (“**CAR 2016**”), issued under the Civil Aviation Act 1969. The authority responsible is the Civil Aviation Authority of Malaysia (“**CAAM**”). In general, there are strict height and proximity restrictions in the use of drones; in some cases, operators are required to maintain unaided visual contact with the drone at all times.

Drone regulations generally address the following areas:

### *Safety*

According to reports, some one million drones were sold in Malaysia between 2014 and 2017, and that number is steadily increasing. Concerned with the possibility of drones putting flight safety at risk, strict regulations were introduced surrounding the use of drones within aerodrome traffic zones. According to the CAR 2016, authorisation from the CAAM is required before drones can be operated within an aerodrome traffic zone, or flown within 50m of any vessel, vehicle or structure not under the control of the operator.

### *Privacy*

The popularised use of drones, both commercially and recreationally, has also raised privacy concerns. The CAR 2016 contains provisions aimed at preserving an individual’s privacy. For example, drones are not allowed to be flown within 150m of any designated area, including “any area used for residential, commercial, industrial or recreational purposes”, unless authorisation from the CAAM is obtained.

In general, Malaysia’s drone laws are in line with international standards. However, there is international concern that restrictive drone regulations could hamper the benefits posed by drone

technology, by placing too much emphasis on the risks posed by drones, rather than their potential benefits. Furthermore, the requirement that operators maintain unaided visual contact with the aircraft at all times has been criticised for bearing “no substantive commercial application”, as businesses have to request authorisation from the relevant authorities every time they wish to fly a drone beyond an operator’s line of sight.

With this in mind, companies interested in venturing into drone technology, or incorporating the use of drones in their business, should take into account these rapidly developing areas of drone laws, and ensure that regulations are adhered to.

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