

RECREATIONAL FLYING AND PARACHUTING

1 SCOPE

1.1 This annex outlines the interface between the HSE and the CAA in relation to the health and safety of persons involved with, or affected by, recreational flying activities and parachuting. These activities include:

- Captive balloons
- Flying displays
- Gliding
- Hang-gliding
- Hot-air ballooning
- Light aircraft flying
- Microlight flying
- Paragliding and parasailing
- Launching of rockets

Note: This is not an exhaustive list.

1.2 Also included are related training activities.

2 LEGISLATION

2.1 CAA remit

2.1.1 The CAA is responsible, under the terms of the Civil Aviation Act and the Air Navigation Order (ANO) for generally regulating the safety of all aviation activities.

2.1.2 In all cases overall responsibility for the safe regulation of the flying activity remains with the CAA, however the CAA recognises the important role played by the governing bodies of sport. The degree of self-regulation exercised by these sporting bodies is not the same for each activity.

2.1.3 Note that the CAA does not conduct accident investigations. Serious and fatal aircraft accidents are investigated by the Air Accident Investigation Branch (AAIB) of the Department for Transport (DfT), which can also open an investigation into any aircraft occurrence.

2.1.4 As a general rule, the investigation of any accident involving a glider, hang-glider, paraglider or parachutist (even if it is fatal) will be carried out by the relevant governing Association and supervised by the AAIB. In the case of accidents to microlights, balloons or airships, the AAIB normally carries out an investigation only where there is a fatality; the investigation of non-fatal accidents is similarly carried out by the relevant national Association. Technical investigation of parachuting accidents, where the aircraft is not involved, is normally conducted in accordance with British Parachute Association or Ministry of Defence (MoD) regulations, as appropriate.

2.2 HSE / Local Authority remit

2.2.1 The HSE and the relevant Local Authority (LA) are responsible for enforcing health and safety law at all premises. (See also Annex 2 "Aerodromes".) See also Health & Safety (Enforcing Authority) Regulations 1998 ([LAC 23/15](#) and [OC 124/11](#)).

2.2.2 HSE seeks to agree with other authorities who should take the lead on an investigation (to avoid unnecessary overlap and time delays) and where there may be a need to act alongside each other, which activities are most appropriately dealt with by each authority. The following principles are

RECREATIONAL FLYING AND PARACHUTING

considered when deciding whether it is suitable to take the lead on an investigation:

- **Effectiveness:** Which authority is best equipped, including appropriate powers, to investigate the alleged risks?
- **Capability:** is the other body capable of ensuring public safety? Does it have the enforcement powers necessary to do so?
- **Health and safety expertise:** Which body knows most about the risks concerned and the effective control measures?
- **Economy:** Is either body already inspecting/visiting the premises or activity in question? Can duplicate visits be avoided?
- **Efficiency:** Is health and safety enforcing authority involvement a good use of resources when considered against the scale of risk or level of public concern?

2.2.3 Therefore, HSE inspectors/LA enforcement officers would not normally take enforcement action on those matters which are subject to legislation enforced by the CAA. This includes matters relating to airworthiness of aircraft and the competence, training and conduct of pilots. However, if HSE/LA inspectors have reason for concern they should report this to the relevant authority.

2.2.4 Many recreational flying activities provide employment, either in connection with the main activities or as a sideline. Annex 1 to the Memorandum of Understanding (Legislation – Respective Duties) gives details of the appropriate application of legislation

2.2.5 There are certain circumstances in which the HSE/LA may become involved in investigations into accidents. For example, civilian parachuting accidents must be reported to AAIB only if the accident occurs while the injured party is in or upon an aircraft or by direct contact with any part of an aircraft. Accidents are reportable to the HSE/LA when they arise out of or in connection with work.

2.2.6 If inspectors have reason to believe that a parachute centre, club or team may be operating in such a way as to endanger the safety of non-employees including the public, they should inform CAA General Aviation Department

2.2.7 Accidents to MOD service personnel whilst on duty in Great Britain are not reportable under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR), but accidents to civilians taking part in MoD sponsored parachuting, and accidents involving other persons who may be affected (e.g. third parties injured by a parachutist) are reportable.

2.2.8 However, it has been agreed with HSE that MOD will voluntarily report work related fatalities and serious incidents to service personnel.

2.2.9 The HSE MOD General Agreement (Annex A) states that:

“Under RIDDOR non-Service personnel, ‘off duty’ Service personnel and RIDDOR defined dangerous occurrences and injuries are reportable to the HSE Incident Contact Centre (ICC). Although injuries and diseases to Service personnel on duty in Great Britain (GB) are not reportable under RIDDOR; it is MOD policy that all work related deaths and major injuries, resulting from serious health and safety management failings will be reported voluntarily to the HSE as if it was RIDDOR

RECREATIONAL FLYING AND PARACHUTING

reportable. The relevant TLB CESO will aim to update HSE's Public Services Sector (MOD lead) as appropriate."

2.2.10 Any incidents involving MOD personnel or civilian members of MOD sponsored parachuting clubs, or members of the public affected by MOD activities, should be addressed to the HSE Public Services Sector (MOD lead) in the first instance.

3 THE INTERFACE

3.1 The CAA will lead on those issues which concern the conduct of any flying activity itself. The HSE/LA will lead on those issues which concern the safety of premises and ground-based activities which involve employment, the self-employed or the provision of non-domestic premises as a place of work. Table 1 provides examples of how activities are split between HSE/LAs and CAA

3.2 Where an issue is likely to involve both agencies, there should be appropriate co-operation, initially through the Head of the Aerodrome Standards Department for the CAA and the appropriate HSE Unit or Section. Details are set out in the MoU Contacts Schedule

3.3 Table 1 highlights those activities where more specific arrangements may affect the division of responsibilities between HSE/LAs and the CAA

Table 1 Specific arrangements which may affect the division of CAA and HSE/LA responsibilities in recreational flying etc. See Note (1) below.

Subject	CAA responsibility	HSE/LA responsibility
Captive (helium) passenger balloons	<i>Airspace matters and airworthiness only.</i>	<i>As for fairground equipment. See HSG175</i> Note (2)
Flying displays - civil events	<i>Subject to terms of CAA permission. Requirements in CAP 403 focus on safe operation of aircraft.</i> Note (3).	<i>All other issues which affect the safety of persons.</i>
Gliding	<i>Airworthiness for EASA gliders only</i>	<i>Enforcement of health and safety law in relation to work activities on the ground.</i>
Hang-gliding		<i>As above</i>
Hot-air ballooning - passenger rides	<i>Regulated under the Air Operator's Certificate (AOC) scheme, and Airworthiness</i>	<i>As above. Also health and safety of persons not connected with the airworthiness of the balloon or the conduct of the pilot.</i>
Hot-air ballooning - private	<i>Airworthiness</i>	<i>Enforcement of health and safety law in relation to work activities on the ground.</i>
Light aircraft flying - aeroplanes & helicopters	<i>Public transport operations regulated under the Air Operator's Certificate (AOC) scheme.</i>	<i>As above. Also health and safety of persons not connected with the airworthiness of the aircraft or the conduct of the pilot</i>

RECREATIONAL FLYING AND PARACHUTING

Subject	CAA responsibility	HSE/LA responsibility
		<i>where work activities are involved.</i>
Microlight flying	<i>Airworthiness only, not for Microlights with single seat and less than 115Kg empty weight.</i>	<i>Enforcement of health and safety law in relation to work activities on the ground.</i>
Model aircraft		<i>As above.</i>
Parachuting - from civil aircraft	<i>Operators must hold CAA permission - similar to a licence.</i>	<i>Enforcement of health and safety law in relation to work activities on the ground. Enforcement of health and safety law in relation to some aspects of parachuting (see paragraph 2.2.4)</i>
Parachuting (or abseiling) - from military aircraft	<i>No CAA involvement.</i>	<i>Refer to HSE Public Services Sector (MOD lead)</i>
Paragliding/parascending		<i>Enforcement of health and safety law in relation to work activities on the ground.</i>
Powered hang-gliders/paragliders		<i>As above.</i>
Rockets	<i>Airspace matters only.</i>	<i>Refer to HSE Explosives Inspectorate</i>

NOTE (1): OC 331/3 and HSC(G)1 - HSWA: Application to Private Clubs

OC 331/3 and the guidance issued by the HSE to local authorities on the application of HSWA to private clubs may also be relevant when considering whether enforcement action should be taken.

NOTE (2): [HSG 175 Fairgrounds and Amusement Parks - Guidance on safe practice is available from HSE website](#) or HSE Books (01787 881165) ISBN 07176 1174 4 or website

NOTE (3): [Civil Aviation Publication \(CAP\) 403 - Flying Displays and Special Events](#) is available from the CAA web site (www.caa.co.uk).

Revision History		
Version	Date	Reason for Issue
1	9 December 2002	Adopted
1.1	7 March 2005	Minor amendments to reflect CAA responsibilities for captive balloons and rockets
1.2	4 August 2009	Inclusion of paragraphs 2.2.7 and 2.2.8 in relation to reporting of incidents related to MOD personnel and airworthiness responsibilities and contact details moved to contacts schedule.
1.3	23 rd May 2013	Para 2.2.2, 2.2.7, 2.2.8 and 2.2.10 HSE liaison with other enforcing agencies and minor clarification of MOD contacts