

LIGHT AVIATION AIRPORTS STUDY GROUP (LAASG)

Meeting at Aviation House, Gatwick

Tuesday 4th October 2005

Present:

Graham Forbes (GF), CAA (PLD) Chair
Gary Beaton (GB), CAA (ATSD)
David Beaven (DB), CAA (GAD)
David Corbett (DC), GASCo
Ray Elgy (RE), CAA (ASD)
Chris Finnigan (CF), BMAA
Paul Fleming (PF), CAA (ASD)
John Haffenden (JHaf), AOA
Janet Hoare (JHo), BBGA/BHAB
Martin Marsh (MM), CAA (PLD)
Geoff Parker (GP), CAA (Flt Ops)
Gary Phillips (GPh), CAA (RFFS)
Dorothy Pooley (DP), GAPAN
Terry Slater (TS), BGA
Mark Smailes (MS), CAA (DAP)
Barry Tempest (BT), PFA
John Walker (JW), AOPA
Inez Bartolo (IB), CAA (ASD) Secretary

Apologies: **Mike Grierson**

1 APOLOGIES

Apologies were received from Mike Grierson.

2 NOTES OF PREVIOUS MEETING

The notes of the previous meeting were agreed without change.

3 ACTIONS FROM PREVIOUS MEETINGS

Action Item 31: [Outstanding]. JW advised that Martin Robinson was due to attend a meeting in Barcelona and agreed to circulate a note amongst the 25+ European representatives, asking (1) whether they require flying training to be conducted from certified aerodromes and (2) what are the requirements for RFFS. Results will be sent to IB when received. Action complete.

Action Item 36: Sub-group formed to discuss RFFS issues (RE, GPh, JHo, JW). Meeting conducted 4/10/05. GPh will distribute report via IB. Action complete.

Action Item 37: JHo has drawn up list of customs airports, with the assistance of JW. In addition, BT produced a list of designated/customs airports that are considered to be the most up to date. GB reminded the Group that

they should not confuse 'customs airports' with 'international' airport. Action complete.

Action Item 38: GASRWG self-auditing guidelines sent to IB. Action complete.

Action Item 39: Statistics supplied and copied to members of LAASG. Action complete.

Action Item 40: Framework of LAASG report drafted. Action complete.

4 DRAFT REPORT OF THE LAASG – CONTENT

Internal SRG members drafted the framework of the report; primarily ASD and PLD, with FOD completing the public transport section. GF stated that the report is to be kept relatively simple, with information contained within the appendices.

Initial response from the LAASG members was to offer no adverse reaction for the Paper. However, general opinion was that more discussion was necessary on the content.

Introduction of Report

There were no major issues with the introduction of the report. However, under 1.1 "... (LAASG) was formed as an initiative arising from the Joint Review Team ..."; BT believes that his Paper predated the Joint Review Team (JRT) and it should be recognised that 'Industry' proposals played a rôle and should be mentioned. GF will make a few changes to the wording to accommodate BT's request.

Background

There were no major issues with the background of the Group.

Working Methods

There were no major issues with the working methods of the Group.

Flying Training

TS requested that an additional paragraph is added to the effect that the microlight/gliding fraternity will retain their status quo in any revised regulatory regime.

External members felt there was no necessity to write a supplementary paragraph on the perceived additional burden that may be placed on an FTO in respect of deciding the landing facilities at an aerodrome, believing that the Code of Practice should overcome any onus by prior discussion and an appropriately qualified 'inspector'.

Para 4.2, bullet point 2: Include SLMG when discussing gliders and microlights.

Para 4.3: JHo disagreed with the statement that "... in neither case will an aerodrome licence be granted if the licensing criteria specified in CAP 168 are not met", believing that aerodromes often achieve licensing standards even when the criteria cannot be met. It was agreed that the paragraph would be altered to accommodate JHo's comment.

Public Transport aspect of report:

JHo voiced concern that public transport has hardly been mentioned during meetings, even though she tried to raise the topic on several occasions. In addition, JHo does not see the strength in Article 42, believing that it can be changed, as can Article 126. GP advised that the Air Navigation Order is the

primary source of legislation at the moment and will remain so until superseded by any EC regulation. The EC regulation most likely to supersede the ANO is 3922 which, when amended in the near future, will introduce Annex 3 (containing JAR-OPS 1 (EU OPS)), which will have a requirement for operators to satisfy themselves as to the suitability of an aerodrome. Discussion focussed on the potential to alter Article 42, GP believing that it would be unproductive to alter any part of the ANO because the EC regulations would be in place before the period necessary to make any change to the ANO.

JHo queried the requirement that an aerodrome should be 'manned and equipped', stating that although Article 42 of the ANO requires this, JAR-OPS does not. GP quoted IEM OPS 1.220 "...An adequate aerodrome is an aerodrome which the operator considers to be satisfactory, taking account of the applicable performance requirements and runway characteristics. In addition, it should be anticipated that, at the expected time of use, the aerodrome will be available and equipped with... emergency services".

GF reminded the Group that the 'draft report' clearly states (5.5) that any amendment to Article 126 would not ease the burden on aerodromes to provide appropriate facilities.

JHo agreed with GP/GF's comment that aerodromes would still need to provide appropriate facilities, but made the point that they could provide these facilities under a Code of Practice, and requested that further discussion took place on this subject. PF advised the Group that it is possible to back up the requirements under EU OPS by dictating, through a revised Article 126, the types of aerodromes that need to be licensed and the facilities needed. BT raised concern that a major anomaly still exist in Article 126 where A-A 'light' public transport need a licensed aerodrome and yet A-B does not; BT believes that A-A 'light' public transport should be afforded the same criteria as A-B flights and should be allowed to operate from unlicensed aerodromes. General debate followed regarding the logic of changing Article 126 (ie removing the public transport requirement), allowing Article 42 to be the dominant legislation applied in the UK. JHo felt that if this route were proposed, then 'adequately manned and equipped' would need to be defined. GP advised that if Article 42 were required to state what level of RFF were adequate, then ICAO Annex 14 would be the recommended practice.

For reference: Article 126 appended at Attachment A and Article 42 appended at Attachment B.

The general feeling of the external members was that a recommendation of the Group should be to remove the public transport requirements from Article 126. PF advised that if this were done, then ASD would have to replace it with something that allowed for the application of Annex 14 SARPs.

GF asked whether it would be reasonable for the Group, as a whole, to offer their view on a proposal to remove of public transport requirements from Article 126, subject to ASD examining the proposal in light of the obligations they have to meet under ICAO Annex 14? RE felt this would be a very difficult task to do because of the essential requirements for aerodromes, currently being drafted for EASA; however, RE believes it would be more constructive to come to a view, as a Group, and feed the outcome into the development of the essential requirements.

JW believes that the ICAO Annex 14 was originally introduced to look after/regulate 'scheduled' public transport, which ties in with BT's suggestion that the designated 'customs' airports were the only aerodromes that should be regulated.

Action 41:
**ASD to advise on implications of removing public transport from Article 126
and implications of tying this proposal to the list of
designated 'customs airports'.**

Action 42:
**IB to distribute list of aerodromes noted in the European ANP to LAASG
members**

RFFS

It was noted that the outcome of the sub-group meeting to discuss the RFF aspect of the 'lighter' airports is to be on a continuous basis and ASD see the issue as a separate one from the work of the LAASG, ensuring that there is a proper representation from all aspects of Industry, not just the larger organisations. It was therefore agree to address this issue independently, under another forum.

Acknowledgements

The CAA reiterated its gratitude to the members of the LAASG, in particular Industry representatives, for their effort and the time dedicated to the work of the Group.

Recommendations

There were no additional comments received on the recommendations already put forward in the draft report. However, BT asked for a re-wording of 9(c), replacing "...RFFS requirements at light aviation Licensed Aerodromes" with "... at Category Special, 1 and 2 aerodromes".

List of appendices

JHo considers, under item K (List of Aircraft between 2730kg-5700kg), that it would be more accurate to state that the aircraft listed were not necessarily operating under public transport and that they could be private flights. GF agreed to add a qualification that informed the reader of this.

In addition, it was recommended that Article 42 be added to the appendices.

5 VISITS TO EUROPEAN FTOs

In support of David Beaven's original research into requirements in mainland Europe, and Martin Robinson's AOPA European members, PLD agreed to look at specific flight schools to see the facilities used. However, following internal discussions it was agreed that it might be more appropriate to identify, through the PLD database, UK organised examiners resident in mainland Europe, and survey them using a standard list of questions (Attachment D to notes). BT supported this proposal, reminding the Group that he had recently visited Portugal, who have 31 certified aerodromes, and will now compare the questions put forward. GF proposed that the Group took away the list of questions for consideration and offer any comments on the questionnaire through IB.

6 ANY OTHER BUSINESS

Code of Practice

JHo was mindful that the Code of Practice had still not been discussed amongst the group, owing to the unavailability of BGA/BMAA at the previous meeting. Both BGA and BMAA agreed that the document was well written and a good representation of what should be achieved, although they would like to add a few items to the structure of the draft. It was agreed that JHo would distribute the document again to all members with the request that

they comment on the content. RE voiced concern that the Code of Practice should not be included as a 'final' document in the final report, but that it would be more appropriate to include it as a 'draft', believing it will need to go out for wider consultation before inclusion as a formal document in the report. GF did not see it as a document that would necessarily need external consultation, preferring to gauge the document's appropriateness by the comment of FTOs that would like to operate out of an unlicensed aerodrome.

BT advised that members that the PFA believe the Code of Practice to be an excellent document; however, some members believe caution must be exercised to ensure that a financial millstone is not placed on UK aerodrome operators who may be disadvantaged as the cost of flying training abroad is not hindered by additional requirements, for example complying to CAP 168, in particular RFF requirements. JHo takes the view that unless a Code of Practice is offered, then lighter aerodromes will have to meet the cost of increased charges under the new scheme.

ATSIN 71

ATSIN 71, published on 30 September, comes into effect on 7 October, potentially affecting the A/G certification. BT had voiced concern regarding the very short consultation period and requested that this topic was discussed at the LAASG meeting.

GB offered some background leading up to the publication of ATSIN 71, advising that it does not change the status of somebody that holds an A/G Certificate of Competence. The reason for the change was driven by UK CAA international obligations. The change had been instigated by a review of UK compliance of these regulations, where it was recognised that the competence required of an A/G radio station operator is not satisfied by a flight radio telephony operators licence and in order to meet the obligations the UK CAA had to make changes. A pragmatic decision was taken that somebody already holding an A/G Certificate of Competence current radio telephony licence has already demonstrated competence, but it is not possible that in the future this will remain the case. It was felt the short notice was unfortunate, but the result would not be any different from that made and it was important to instigate the change sooner rather than later.

It was agreed that GB and BT would discuss this issue in more depth outside the Group.

7 DATE OF NEXT MEETING

3rd November 2005, 10.30am.

ACTIONS ARISING (Action items 1-40 allocated to previous meetings)

- Action Item 41:** ASD to advise on implications of removing public transport from Article 126 and implications of tying this proposal to the list of designated 'customs airports'
- Action Item 42:** IB to distribute list of aerodromes noted in the European ANP to LAASG members (completed)

ARTICLE 126

Aerodromes—public transport of passengers and instruction in flying

126. —(1) An aircraft to which this paragraph applies shall not take off or land at a place in the United Kingdom other than—

(a) an aerodrome licensed under this Order for the take-off and landing of such aircraft; or

(b) a Government aerodrome notified as available for the take-off and landing of such aircraft, or in respect of which the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land as the case may be;

and in accordance with any conditions subject to which the aerodrome may have been licensed or notified, or subject to which such permission may have been given.

(2) Subject to paragraph (4), paragraph (1) applies to—

(a) any aeroplane of which the maximum total weight authorised exceeds 2,730 kg flying on a flight—

(i) for the purpose of the public transport of passengers;

(ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or

(iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;

(b) any aeroplane of which the maximum total weight authorised does not exceed 2,730 kg flying on a flight—

(i) which is a scheduled journey for the purpose of the public transport of passengers;

(ii) for the purpose of the public transport of passengers beginning and ending at the same aerodrome;

(iii) for the purpose of—

(aa) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or

(bb) a flying test in respect of the grant of a pilot's licence or

the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or

(iv) for the purpose of the public transport of passengers at night;

(c) any helicopter or gyroplane flying on a flight specified in sub-paragraph (b)(i) or (iii); and

(d) any glider (other than a glider being flown under arrangements made by a flying club and carrying no person other than a member of the club) flying on a flight for the purpose of the public transport of passengers or for the purpose of instruction in flying.

(3) Subject to paragraph (4)—

(a) the person in charge of any area in the United Kingdom intended to be used for the take off or landing of helicopters at night other than such a place as is specified in paragraph (1) shall cause to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter—

(i) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and

(ii) in the case of taking off, to make a safe take-off;

(b) a helicopter flying for the purpose of the public transport of passengers at night shall not take off or land at a place to which sub-paragraph (a) applies unless there is in operation such lighting.

(4) Paragraph (1) shall not apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

ARTICLE 42

Public transport—operator's responsibilities

42.—(1) The operator of an aircraft registered in the United Kingdom shall not permit the aircraft to fly for the purpose of public transport without first—

(a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight;

(b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft; and

(c) subject to paragraph (2), satisfying himself by every reasonable means that—

(i) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose; and

(ii) in particular that they will be adequately manned and equipped at the time at which it is reasonably estimated such a take-off or landing will be made (including that those places will have such manning and equipment as may be prescribed) to ensure so far as practicable the safety of the aircraft and its passengers.

(2) Without prejudice to any conditions imposed under article 6, the operator of an aircraft shall not be required for the purposes of this article to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(3) The operator of an aircraft registered in the United Kingdom shall not permit any person to be a member of the crew during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless—

(a) such person has had the training, experience, practice and periodical tests specified in Part C of Schedule 9 in respect of the duties which he is to perform; and

(b) the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose.

(4) The operator shall maintain, preserve, produce and furnish information respecting records relating to the matters specified in paragraph (3) in accordance with Part C of Schedule 9.

(5) The operator of an aircraft registered in the United Kingdom shall not permit

any member of the flight crew, during any flight for the purpose of the public transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

ATTACHMENT C

CHANGES PROPOSED TO DRAFT FINAL REPORT:

Introduction of Report:	Change wording to recognise Industry's input into the inception of the LAASG
Flying Training:	An additional paragraph should be added to ensure the microlight/gliding fraternity would not receive any additional regulatory burden placed upon them as a result of the LAASG.
Para 4.2, bullet point 2:	Include SLMGs within paragraph.
Para 4.3:	Re-word statement regarding licensing criteria as laid down in CAP 168.
9(c):	Replace ‘...at light aviation licensed aerodromes with “... at Category Special, 1 and 2 aerodromes”.
List of Appendices:	Add caveat to Appendix K to reflect that aircraft noted on table are not necessarily public transport aircraft.
List of Appendices:	Add Article 42 to appendices.

ATTACHMENT D

LIST OF QUESTIONS PUT FORWARD TO EUROPEAN FTOs

1. Are aerodromes licensed by the Aviation Authority?
2. Is it mandatory for aerodromes to be notified to the Aviation Authority?
3. If the answer to 1 or 2 is Yes, is there an aircraft weight below which this does not apply?
4. Are there any special requirements for aerodromes used for flight training? If so what are they?
5. Are there any special requirements for aerodromes used for public transport operation below 2500 Kgs?
6. Are there mandatory requirements for Fire and Rescue equipment at aerodromes used for flight training and public transport operations with AUW below 2500 Kgs
7. If the answer to 6 is Yes what are the minimum requirements?
8. Are there any minimum staffing requirements for aerodromes?
9. Are there minimum communication requirements at aerodromes?
10. How are aerodromes notified for the purpose of documenting the facilities on charts and aeronautical documents?
11. Are there requirements for runway markings at aerodromes used for flight training or light public transport below 2500Kgs?