



LETTER OF INTENT TO AMEND THE MEANING OF 'SELF-PROPELLED HANG-GLIDER' AS SET OUT IN ARTICLE 155 OF THE AIR NAVIGATION ORDER 2005.

Implementing measures to assure the safety of civil aviation is an obligation arising from the Convention on International Civil Aviation (the "Chicago Convention"). The UK Government is a signatory to the Convention. Under the Civil Aviation Act, for civil activities that are outside the remit of EASA, it is an obligation of the CAA to propose to the Government necessary changes to aviation legislation. This Letter of Intent proposes a change to the Air Navigation Order 2005 (ANO), which will simplify the existing regulation and allow greater freedom in the use of "self-propelled hang-gliders".

ISSUE

Article 155 of the Air Navigation Order 2005 defines a self-propelled hang-glider as follows:

'Self-propelled hang-glider' means an aircraft comprising an aerofoil wing and a mechanical propulsion device which:

- (a) is foot launched;*
- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed;*
- (c) has a maximum fuel capacity of 10 litres; and*
- (d) has a maximum unladen weight, including full fuel, of 60 kg for single place aircraft and 70 kg for two place aircraft.'*

Aircraft that fall within this definition are excluded from the obligation to comply with the majority of the regulations that apply to civil aviation. (The term self-propelled hang-glider includes powered hang-gliders and "paramotors"; paramotors being foot-launched aircraft with parachute lifting surfaces).

The CAA has received several requests from owners of these aircraft for the fuel capacity limit set out under paragraph (c) of the definition to be increased, or deleted entirely. These requests stem from the fact that imported, commercially produced, powered hang-gliders and paramotors are supplied with fuel tanks that have a total volume in excess of 10 litres, and also that competitive participation in international competitions can require a greater fuel capacity.

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Removing the fuel capacity limit under paragraph (c) of Article 155 of the ANO would:

- simplify the definition of this class of aircraft, (aircraft which do not require any kind of airworthiness certificate in order to fly in the UK);
- allow UK citizens to configure their aircraft to be suitable for participation in European competitions, and to practice for such competitions;
- allow recreational flyers to perform longer duration flights;
- allow imported aircraft to be used in the UK without modification; and
- facilitate the sale of unmodified UK products in other countries.

The current text of the definition is contemporary with an earlier definition of the “microlight aeroplane”, which also included a maximum fuel capacity. In the case of microlight aeroplanes it was later accepted that a fuel capacity limitation was not required, given the limitations on weight and stalling speed set out elsewhere in the definition. It is now considered that this is also the case for self-propelled hang-gliders; i.e. the specified maximum unladen weight, including full fuel, is sufficient to limit the energy of these aircraft and consequently the damage that might result from an accident. Therefore, the CAA has concluded that the maximum fuel limitation may be removed without affecting the level of safety. A proposal for an amended definition was drafted with clause (c) removed. At the same time the references to weight were replaced by “mass”; the use of the term “mass” is consistent with the values being given in Kilograms, and current practice in European legislation.

CONSULTATION

Consideration of the change was initiated following requests from certain UK owners of the aircraft affected. To verify that this view was representative of the powered hang-glider community the following organisations were formally advised of the proposal:

British Microlight Aircraft Association
British Hang Gliding and Paragliding Association Ltd

In addition, the proposal was placed on the “consultations” section of the CAA website.

No objections to the proposal were received. However, the consultation also elicited a further request from the British Hang Gliding and Paragliding Association Ltd (BHPA) in respect of paragraph (d); the request being for the distinction between single place and two place aircraft to be removed, and for a mass of 70 kg to be permitted in either case. In support of this request the BHPA stated that the additional structural strength that could be included in a single-place aircraft through increasing the mass by 10 kg would be a safety benefit. Indeed, the BHPA advised that very few aircraft are built to the 60 kg limit; it is a common practice to build aircraft to the 70 kg limit, and to fit them with two harnesses so that they can be declared to be two-place aircraft, even though most will only be flown solo.

The CAA has considered this and agrees that it is self-evident that there is no safety reason to retain the 60 kg limit when solo operation of 70 kg aircraft has always been permitted and is commonplace. The proposal was therefore amended to remove the 60 kg criterion.

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IMPACT

The purpose of this entry in Article 155 of the Air Navigation Order 2005 is to define a category of aircraft that are not subject to the regulations that apply to heavier aircraft. The effect of the proposed change will be to allow greater fuel capacity for these particular “unregulated aircraft”, allow more flexibility in their use and transfer between countries and to simplify the text of the definition. The cost of compliance with the amended legislation will be nil.

This proposed change is a simplification of existing legislation that has been requested by the affected community. It will remove a significant legal difference between the UK and other Member States, which will simplify the sale of UK products in Europe. It will also enable UK citizens to purchase aircraft from a wider variety of manufacturers without the need to modify or to add restrictions to those aircraft before flight in the UK.

The change has been requested by those regulated, and as it is a simplification of regulation there will be no costs to individuals or to small businesses. Neither is there a cost to its implementation, therefore it is considered that no formal impact assessment is necessary, and no such assessment has been provided.

INTENTION TO PROCEED.

The CAA will now recommend to the Secretary of State that Article 155 be revised as set out in the Annex to this letter.

C.J.Whittaker
Policy Manager, Initial Airworthiness

3 July 2009

/Att. Annex to Letter of Intent