

Safety Regulation Group

Licensing and Training Standards



LETTER OF INTENT TO AMEND ARTICLE 208 OF THE AIR NAVIGATION ORDER 2009 AND THE RULES OF THE AIR REGULATIONS TO ALLOW FLIGHT TRAINING AT UNLICENSED AERODROMES

ISSUE

The Light Aviation Airports Study Group (LAASG)¹ was formed jointly with Industry in 2005 to consider changes to regulation specific to light aviation, whilst meeting safety obligations and maintaining the satisfactory safety regime established in UK general aviation.

Industry members of LAASG had cited the cost of maintaining an aerodrome licence as a disincentive to the flying training sector. Furthermore, an LAASG survey suggested that the UK was alone in Europe in requiring a licensed aerodrome for flying training. Moreover, microlight aircraft, many of which have a higher performance than traditional touring aircraft, do not need a licensed aerodrome for the conduct of flight training. The LAASG proposals are included in the Department for Transport (DfT) Simplification Plan².

After analysing the safety record, LAASG concluded that there was no justifiable safety case to require flight training in light aeroplanes and light helicopters to be undertaken at a licensed aerodrome (as is currently required under Article 208 of the Air Navigation Order (ANO) 2009) and that the ANO should be amended accordingly.

THE PROPOSED CHANGE TO THE ANO

The CAA proposes to amend Article 208 of the Air Navigation Order (2009), and add a new Article 208A, to place a burden of responsibility on flying instructors and aerodrome operators to be satisfied as to the adequacy of an unlicensed aerodrome for the purpose of flying training before performing/allowing such flying training.

Existing JAR-FCL requirements (to be EASA requirements in future) specify satisfactory aerodrome facilities in terms of aircraft performance. The ANO will stipulate the maximum take off weight of aeroplanes and helicopters to be used for flying training at unlicensed aerodromes³. The proposed amendment to Article 208 and new Article 208A are shown in Annex A to this Letter of Intent. (The text of the

¹ www.caa.co.uk/laasg

² DfT Simplification Plan – “Transport: Lightening the Load”

<http://www.dft.gov.uk/about/eibr/simplificationplan/secsimplificationplan/>

³ Maximum take-off weight (MTOW) of 2,730kg for aeroplanes and a MTOW of 3,175kg for helicopters and gyroplanes.

proposed amendment is subject to further minor changes as part of the legal verification process).

THE PROPOSED CHANGE TO THE RULES OF THE AIR

An aircraft is exempt from the 500 ft rule when landing and taking off in accordance with normal aviation practice at any aerodrome (licensed or not). Furthermore, an aircraft is exempt from any low flying prohibition when flying in accordance with normal aviation practice for the purpose of taking off from, landing at or practising approaches to landing at a licensed aerodrome. The net effect of these two exceptions is that if carrying out a practice approach at an unlicensed aerodrome where the aircraft does not actually land, all the low flight prohibitions (including the 500 ft rule) must be complied with. It is therefore necessary to make a further exception to Rule 5 of the Rules of the Air Regulations (2007) to allow the practising of approaches to landing at an unlicensed aerodrome that is being used for training in accordance with the proposed Article 208A of the ANO. The proposed amendment to the Rules of the Air is shown at Annex B to this Letter of Intent.

CHANGES TO CAP 428 SAFETY STANDARDS AT UNLICENSED AERODROMES (INCLUDING HELICOPTER LANDING SITES)

CAP 428 Safety Standards at Unlicensed Aerodromes (Including Helicopter Landing Sites) will be amended to provide guidance on how flying instructors and aerodrome operators may be satisfied on reasonable grounds that the particular unlicensed aerodrome has adequate facilities for flying training with aeroplanes up to 2730kg and/or helicopters/gyroplanes up to 3175kg.

CONSULTATION

The LAASG Report was finalised in consensus with Industry at the end of 2005 and included three recommendations, one of which was that the CAA should develop detailed proposals to remove the requirement for flying training to be conducted at a licensed aerodrome. This recommendation forms the background to the proposal in this Letter of Intent.

The General Aviation Regulatory Review Report⁴ of June 2006 explicitly supported this recommendation, subject to consultation, and a presentation of the LAASG work was given to the General Aviation Conference on 21 November 2006.

A preliminary consultation on the LAASG proposals was held in July 2006 and the responses were sufficiently positive to merit continuing to a second stage of consultation.

In April 2008, the CAA conducted a public consultation on a proposal to amend the Air Navigation Order (ANO) and to amend the Rules of the Air. The consultation showed a significant majority of support for the proposal.

Further work on the proposal was postponed until the CAA could be certain that the European Aviation Safety Agency (EASA) proposals for aerodrome regulation did not impact on the proposal to amend the ANO and the Rules of the Air. This was confirmed and the way became clear to proceed towards a change to the legislation.

⁴ <http://www.caa.co.uk/default.aspx?catid=1739&pagetype=90&pageid=5583>

The proposal that was the subject of the consultation in April 2008 had suggested that aeroplanes operated by registered facilities at unlicensed aerodromes would be limited to 2,730kg Maximum Total Weight Authorised, and that CAA-approved Flying Training Organisations would be permitted to conduct training at unlicensed aerodromes with aeroplanes up to 5,700kg MTWA. It is noted that the training commonly carried out using aeroplanes with MTWA in excess of 2730kg invariably requires ground-based navigation systems and air traffic management facilities that are available only at licensed aerodromes. Furthermore, there was no intention in the proposal to amend the legislation to allow public transport flights from unlicensed aerodromes, which is the common usage of aeroplanes over 2730kg. Thus it was concluded that this higher weight limit would not be utilised in practice at unlicensed aerodromes and its inclusion would make the proposed regulations and their administration unnecessarily complicated. Consequently, the proposal was amended simply to refer to aeroplanes up to 2730kg and to helicopters and gyroplanes up to 3175kg.

INTENTION TO PROCEED

The CAA will now recommend to the Secretary of State that the ANO and the Rules of the Air be amended as set out in Annexes A and B to this letter.

Ray Elgy
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Annex A: Proposed Change to Article 208 of the ANO
Annex B: Proposed Change to Rules of the Air

Annex A: Proposed Change to Article 208 of the ANO

Requirement to use licensed or Government aerodrome

- 207.**—(1) This article applies to any aircraft flying on a flight specified in article 208.
- (2) An aircraft to which this article applies must 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;
 - (b) a Government aerodrome notified as available for the take-off and landing of such aircraft; or
 - (c) a Government aerodrome where the person in charge of the aerodrome has given permission for the particular aircraft to take off or land.
- (3) When taking off or landing at an aerodrome specified in paragraph (2), an aircraft to which this article applies must do so 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.

Flights which must use licensed or Government aerodrome

- 208.**—(1) Subject to paragraph (5), article 207 applies to any aeroplane which has a maximum total weight authorised of more than 2730kg flying on a flight—
- (a) for the purpose of the commercial air transport of passengers or the public transport of passengers;
 - (b) 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
 - (c) for the purpose of carrying out flying tests for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence.
- (2) Subject to paragraph (5), article 207 applies to any aeroplane which has a maximum total weight authorised of not more than 2730kg flying on a flight which is—
- (a) a scheduled journey for the purpose of the commercial air transport of passengers or the public transport of passengers;
 - (b) for the purpose of the commercial air transport of passengers or the public transport of passengers and which begins and ends at the same aerodrome; or
 - (c) [deleted];
 - (d) [deleted];
 - (e) for the purpose of the commercial air transport of passengers or the public transport of passengers and which is at night.
- (3) Subject to paragraph (5), article 207 applies to any helicopter or gyroplane flying on a flight which is a scheduled journey for the purpose of the public transport of passengers.
- (3A) Subject to paragraph (5), article 207 applies to any helicopter or gyroplane of which the maximum total weight authorised is more than 3175kg flying on a flight—
- (a) 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
 - (b) for the purpose of a flying test 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.
- (4) Subject to paragraph (5), article 207 applies to 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—
- (a) the public transport of passengers; or

(b) instruction in flying.

(5) Article 207 does not apply to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Aerodromes – use for purposes of flying instruction

208A (1) The operator of an aerodrome which is not a licensed aerodrome must not permit an aircraft flying or intended to fly for a purpose specified in paragraph (3) to take off from or land at the aerodrome unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

(2) The commander of an aircraft must not take off from or land at an aerodrome which is not a licensed aerodrome on a flight for a purpose specified in paragraph (3) unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights.

(3) A flight is for a purpose specified in this paragraph if it is for the purpose of—

- (a) 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
- (b) 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.

Annex B: Proposed Change to Rules of the Air

Exemptions from the low flying prohibitions

6 The exemptions from the low flying prohibitions are as follows—

- (a) Landing and taking off at a licensed aerodrome
 - (i) Any aircraft shall be exempt from the low flying prohibitions in so far as it is flying in accordance with normal aviation practice for the purpose of—
 - (aa) taking off from, landing at or practising approaches to landing at; or
 - (bb) checking navigational aids or procedures at, a Government or licensed aerodrome.
 - (ii) Any aircraft shall be exempt from the 500 feet rule when landing and taking-off in accordance with normal aviation practice or air-taxiing.
- (aa) Landing and taking off at a training aerodrome
 - (i) Any aeroplane of which the maximum total weight authorised does not exceed 2730 kg shall be exempt from the low flying prohibitions in so far as it is flying in accordance with normal aviation practice in the circumstances specified in paragraph (iii).
 - (ii) Any helicopter or gyroplane of which the maximum total weight authorised does not exceed 3175 kg shall be exempt from the low flying prohibitions in so far as it is flying in accordance with normal aviation practice in the circumstances specified in paragraph (iii).
 - (iii) An aeroplane or helicopter or gyroplane flies in the circumstances specified in this paragraph if –
 - (aa) it is flying for the purpose of taking off from, landing at or practising approaches to landing at a training aerodrome; and
 - (bb) the flight is one on which instruction in flying is being given to a person or a flying test is being performed by a person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion or variation of an aircraft rating, a night rating or a night qualification in a licence.
 - (iv) For the purposes of sub-paragraph (iii), a training aerodrome means an aerodrome which the commander of the aircraft is satisfied on reasonable grounds has adequate facilities for the safe conduct of flights on which instruction in flying is being given to a person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion or variation of any rating or qualification in the licence.
- (b) Captive balloons and kites

None of the low flying prohibitions shall apply to any captive balloon or kite.
- (c) Special VFR flight and notified routes
 - (i) Subject to paragraph (ii), any aircraft shall be exempt from the 1,000 feet rule if—
 - (aa) it is flying on a special VFR flight; or
 - (bb) it is operating in accordance with the procedures notified for the route being flown.
 - (ii) Unless the written permission of the CAA has been obtained, landings may only be made by an aircraft flying under this exemption at a licensed or Government aerodrome.
- (d) Balloons and helicopters over congested areas
 - (i) A balloon shall be exempt from the 1,000 feet rule if it is landing because it is becalmed.

- (ii) Any helicopter flying over a congested area shall be exempt from the land clear rule.
- (e) Police air operator's certificate
 - Any aircraft flying in accordance with the terms of a police air operator's certificate shall be exempt from the 500 feet rule, the 1,000 feet rule and the prohibitions on flying over open air assemblies and on landing and taking off near open air assemblies.
- (f) Flying displays etc
 - An aircraft taking part in a flying display, air race or contest shall be exempt from the 500 feet rule if it is within a horizontal distance of 1,000 metres of the gathering of persons assembled to witness the event.
- (g) Glider hill-soaring
 - A glider shall be exempt from the 500 feet rule if it is hill-soaring.
- (h) Picking up and dropping at an aerodrome
 - Any aircraft picking up or dropping tow ropes, banners or similar articles at an aerodrome shall be exempt from the 500 feet rule.
- (i) Manoeuvring helicopters
 - (i) Subject to paragraph (ii), a helicopter shall be exempt from the 500 feet rule if it is conducting manoeuvres, in accordance with normal aviation practice, within the boundaries of a licensed or Government aerodrome or, with the written permission of the CAA, at other sites.
 - (ii) When flying in accordance with this exemption the helicopter must not be operated closer than 60 metres to any persons, vessels, vehicles or structures located outside the aerodrome or site.
- (j) Dropping articles with CAA permission
 - Any aircraft shall be exempt from the 500 feet rule if it is flying in accordance with—
 - (i) article 66(3)(f) of the Order (dropping of articles for the purposes of public health or as a measure against weather conditions etcetera, with the permission of the CAA); or
 - (ii) an aerial application certificate granted by the CAA under article 68(2) of the Order.