Safety and Airspace Regulation

General Aviation ANO Review

Final public consultation – Comment response document

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Introduction

In September 2015 the CAA consulted on changes to the Air Navigation Order (ANO) 2009. This aimed to provide a simpler and more proportionate legal basis for the regulation of many GA activities that still fall under national (and not European) regulation. This followed on from a more thematic public consultation in May 2015.

Since these consultations closed, we have determined which proposals will be progressed into the new ANO, which we anticipate coming into force in August 2016.

There were approximately 40 responses by email to the consultation inbox, and 141 responses via the online survey. This included responses from all of the major GA stakeholder organisations. We were impressed by the degree of thought that had clearly gone into many of the responses, so would like to thank our stakeholders for committing the time to engaging to such a level of detail.

Generally, the responses were very supportive of the CAA overhauling the legal basis for the national regulation of GA, both in terms of making the regulations clearer and the specific deregulatory measures proposed.

Unlike the thematic consultation in May 2015, the final one did not include particular questions in the consultation document itself. However, in order to gain more targeted feedback on the level of support from respondents, an online survey tool was used to ask specific questions about some of the proposals. This was only done where feedback on specific points was required. In other cases the proposals were just presented for general comment. Where a question was asked in the online survey, the results are included in this response document.

The Thematic consultation can be found at: www.caa.co.uk/cap1271

The Final consultation can be found at: www.caa.co.uk/cap1335

Detailed changes to the ANO

New definitions and regulatory classifications

This section explained how different types of GA activity, with non-EASA aircraft, will be legally classified under the new ANO. Most of this was a summary of policy work completed prior to the GA ANO Review – for example the policy to align the ANO with the EASA cost sharing rules, and the decision to consider charity flights to be private flights, and not subject to any additional requirements.

The following subjects were covered:

- Alignment with EASA terminology;
- Cost sharing;
- Charity flights;
- Clubs, non-profit organisations and introductory flights;
- Remuneration in privately owned aircraft;
- Flight training on a commercial basis;
- Self-fly hire; and
- Safety Standards Acknowledgement and Consent.

The majority of respondents supported aligning with EASA definitions, as outlined in the proposal.

There was also support for removal of current distinctions in national regulation between paying for training in a group owned aircraft versus that of a sole owned one. We will adopt the approach set out in the consultation on both these points.

Several respondents mentioned that the proposed use of the ‘complex motor-powered aircraft’ definition (to achieve parity with the European regulatory definitions) may be problematic for very light turbojet aircraft – for example small single or two seat jets that are of similar size and weight to other light GA aircraft, but happen to be jet powered. Having reviewed this issue further, the definition of complex motor-powered aircraft (as used by EASA) will not be included in the new

ANO. It is not in the ANO 2009, and we have determined it is a distinction that will not be required for the regulation of non-EASA aircraft.

The summaries of previous policy work to be incorporated in the ANO were included more for information rather than comment. However a number of responses did comment them, for example the alleviations on charity flights, cost sharing and introductory flights. In the case of cost sharing and introductory flights, this has been in force since April 2014 by exemption to the current ANO, ahead of the European regulations coming into force in August 2016. The changes for charity flights came in August 2015.

Most comments on these where supportive, however some raised concerns about the liberalisations, and suggested that a member of the public may not be able to understand the differences in safety standards offered, compared to that of a commercial air transport operator.

In response to the concerns raised about cost sharing and introductory flights, we believe that the current rules developed by EASA are proportionate and appropriate. In line with our commitment to not ‘gold plate’, we have decided not to add any additional national regulations in this area.

The EASA cost sharing regulations do not allow a profit to be made by the pilot and only the direct cost of the flight can be shared. Cost sharing has always been permitted under the ANO, albeit in a more restrictive format. We do not believe that the more liberal EASA rules fundamentally change the nature of the operation or the associated risk. In the case of introductory flights, it must be remembered that although a PPL holder may conduct one, they are not permitted to receive any payment for doing so.

While we have no plans to alter our regulatory approach on these issues, we will continue to engage with EASA and other European member states to keep this subject under review and develop ways to ensure participants on these flights are suitably informed of the safety standards that they meet. Should any changes occur to European regulations in this area, we will consider what position should be taken for non-EASA aircraft under the ANO.

Finally, having reviewed the issue of airworthiness standards for aircraft that are used for flight training on a commercial basis or self-fly hire, and hold a national permit to fly, we may retain some elements of additional regulation above that for non-commercial use. More detail on this can be found later on in the response to the airworthiness section of the consultation document.

Flight Operations

Permission to operate in the service of the Police

The proposal to allow the CAA to issue an authorisation to voluntary GA organisations that wish to operate 'in the service of the police' was widely supported. The consultation did however make it clear that the detailed policy work for the criteria that would have to be met before issuing such an authorisation has yet to be developed.

We are therefore proposing to adopt the approach of reflecting this authorisation provision in the new ANO, but will not issue an actual authorisation for the activity to take place 'in the service of the police' until we are satisfied that any third party risks or issues associated with the co-ordination with the police themselves have been appropriately addressed. We envisage doing this work later this year.

Instrumentation and equipage requirements

In this section we set out our approach to instrumentation and equipage requirements. This was based on a review of the current ANO 2009 and the requirements for EASA aircraft under the forthcoming Part-NCO regulations[1]. There were a number of requirements under Part-NCO that we decided not to incorporate into the new ANO – on the basis that they are not currently required and there would be no justification to apply them to non-EASA aircraft. We also made clear that any non-EASA aircraft compliant with the existing ANO would not require any new equipment under the new one.

We asked the following question:

[1] European operational regulations applicable to the non-commercial use of other-than-complex motor-powered aircraft

Do you agree with the proposals included in this section of the consultation?

Survey Responses	Yes	No
55	82%	18%

There were some responses which stated that the approach appeared complex, however there were no comments that clearly articulated why they disagreed with the proposals. We will adopt the approach set out in the consultation.

Essential operational regulations

In this section we set out our approach to the operational regulations in the ANO. These would be based on a simplified version of the Part-NCO regulations for EASA aircraft. They generally replace or simplify requirements such as pilot responsibilities, flight planning and aerodrome operating minima and do not represent any substantive change from the current ANO. There was very little comment on this and none which disagreed with the proposals. We will adopt the approach set out in the consultation.

Specialised operations

In this section we set out the legal basis for the future regulation of ‘specialised operations’. This covers operations such as dropping of objects, parachuting and flying displays.

The regulation of flying displays remains under separate review at this time and no changes are being made as part of this process.

The proposal mentioned in the thematic consultation in May 2015, that we may no longer have a statutory requirement for parachuting permissions under the ANO, will not be adopted at this time, although we may review this issue in the future.

The only substantial proposal in this section was the intention to issue a general permission for the dropping of small and light objects in low altitude scenarios, such that individual permissions are no longer required. There were a few comments supportive of this proposal. We will develop the detail of the permission under the new ANO.

Flight time limitations (FTLs) for GA operations

This section addressed the approach to flight time limitations for GA operations. The main proposal was to remove detailed requirements for GA, specifically the applicability of the 100 hours in 28 days and 900 hours in 12 months limits. We asked the following question:

Do you agree that we should remove detailed flight time limitations for non-commercial operations?

Survey Responses	Yes	No
57	84%	18%

There were some concerns that removing FTLs might lead to a reduction in safety, however we do not believe this to be the case for the following reasons:

- For EASA aircraft on commercial operations and non-commercial operations with aircraft subject to Part-NCC[2], the current 100 hours in 28 days and 900 hours in 12 months will remain in place until the relevant EASA regulations come into force; and

- For flying schools teaching for EASA licences or ratings, the EASA Approved Training Organisation (ATO) regulations require ATOs to develop their own FTL requirements for the management both of both instructors and student fatigue – the precise mechanism for doing so is up to the ATO.

For non-commercial operations in other-than-complex motor-powered aircraft (those that will fall under Part-NCO), we were not convinced that the current 100/900 hour requirement was relevant to typical non-commercial GA flying. The fatigue risks in GA are more often associated with conducting large amounts of flying in a short period of time (for example several legs of a long cross-country flight in the same day) rather than the amount flown over the course of a month or year.

[2] European operational regulations applicable to the non-commercial use of complex motor-powered aircraft

We also noted that most GA pilots fly less than 100 hours a year and that there is no obvious logic to the current weight of 1600kgs maximum take-off mass (MTOM), below which the 100/900 requirement does not apply to non-commercial flights at the moment. We believe drawing the line at the aircraft that operate under Part-NCC would be more appropriate. We will therefore adopt the approach set out in the consultation.

Commercial air transport and flight training at unlicensed aerodromes

The proposal was to raise the permitted MTOM limit from the current 2730kgs to 5700kgs, for aircraft on flight training and commercial air transport flights at unlicensed aerodromes.

Currently, we issue individual exemptions for commercial air transport flights with aircraft that are more than 2730kgs, up to 5700kgs. However, the EASA Air Operations Regulation requires operators to only use aerodromes that are adequate for the type of aircraft flown, regardless of the aerodrome's licensing or certification status.

In the case of commercial air transport operators, they must have procedures for determining the suitability of aerodromes. The presence and efficacy of these procedures are reviewed in the normal oversight cycle for air operator certificate (AOC) holders.

In view of this we believe it appropriate to allow an increase in the maximum weight of aircraft permitted.

Proposal	Responses	Support
Flight training	62	94%
Commercial air transport	51	86%

There were some comments highlighting the potential for negative impacts on licensed aerodromes as a result of this, and some queried the safety rationale – however no substantive arguments were presented that would influence us to amend the proposal. We will therefore adopt the approach set out in the consultation.

Aerial work with aircraft registered outside of the European Economic Area (EEA)

Under the current ANO, article 225 requires that in order to fly for the purpose of aerial work, an aircraft registered outside in the EEA requires the permission of the CAA. For example, this means that the owner of a non-EAA registered aircraft requires the permission of the CAA to receive paid flight instruction in their aircraft.

Under the new ANO, the provision of instruction to someone in their own aircraft would not be considered a commercial operation, since it would not meet the definition we will be adopting (the same as the EASA one). Consequently such a permission would not be required under the future equivalent of article 225.

There were no particular comments on this section of consultation response and we will adopt the approach set out. Article 225 will be further considered for the April 2017 ANO amendment.

Free balloons, kites and launch cables

The proposal was to consider raising the maximum height to which free balloons, kites and launch cables (for example glider launch cables) could be operated without CAA permission. This was the result of receiving some feedback that the limit was lower than in other states such as the US and Australia. The current limit is 60m (200ft), and options to raise this to 90m (300ft) or 120m (400ft) were presented.

A question was posed with three options:

Responses	Option	Support
47	60m (current limit)	53%
	90m	21%
	120m	26%

Serious consideration was given to 90m, since this aligns with the 300ft level, above which most fixed obstacles are captured and represented on aeronautical charts. Several operators of either kites or launch cables also expressed support for raising the limit below which a permission is not required.

However the majority of the written comments expressed concern that low level objects pose a threat to legitimate low level flying activities, particularly helicopters, and therefore the current limits should remain. In view of the limited time available to conduct detailed analysis of this issue, we will not be proceeding with any changes in this area at this time.

Mooring of airships

This proposal was primarily just a simplification of the current article 165 which governs the mooring of airships. This would remove the distinction between airships of greater or less than 3000m^3 capacity, in terms of where they can be moored, and clarifying that the mooring of an airship at a notified aerodrome requires the permission of relevant ATC unit and/or person in charge of the aerodrome. There were no particular comments on this area and we will adopt the approach set out in the consultation.

Flight crew licensing

Alignment with EASA FCL privileges

This was a proposal to harmonise all existing national licence privileges with those of EASA. This would reflect more flexible rules for cost sharing, the conduct of ‘introductory flights’ and align licence visibility minima with those of the visual flight rules (VFR) under the Standardised European Rules of the Air (SERA). This does not result in any loss of licence privileges and we will adopt the approach set out in the consultation.

Survey Responses	Support
58	95%

Maintenance of aircraft ratings

This was a standardisation of wording rather than a change in practical requirements – removing references in the ANO to ‘certificate of test’ and ‘certificate of experience’ and replacing all of them with the ‘certificate of revalidation’. The actual requirements for revalidation or renewal will not change, unless explicitly stated elsewhere in the consultation.

There were a number of comments on the general topic of revalidation and renewal, including complaints about how complex it is (which we sympathise with). However none commented on the alignment of terminology as such. We will adopt the approach set out in the consultation.

Flight instructor ratings

The only substantive proposal was to harmonise those national instructor ratings (for which this had not already been done) with the 36 month EASA validity period. This mainly affects microlight instructor ratings and would involve changing from the current validity periods of 13 months for the Assistant Flying Instructor (AFI) and 25 months for the Flying Instructor (FI).

There were some concerns raised that this would lead to a reduction in instructor standards, but we believe that on balance, this is not borne out by the experience with the EASA arrangement. We will adopt the approach set out in the consultation.

We are committed to working with the flight training community and using non-regulatory measures to support the dissemination of best practice for the maintenance of instructor standards.

The UK PPL (A) and the Single Engine Piston (SEP) rating

This proposal was primarily about clarifying the circumstances under which a UK national licence holder with an SEP class rating holder may fly a microlight aeroplane, and what flight time may count towards the revalidation of that rating.

Under our proposal, in order to fly a microlight aeroplane, the holder would be required to conduct the same differences training as set out in the current article 62

for an EASA licence. This harmonises the requirements with those for an EASA licence holder with an SEP rating.

Our proposal also sets out that, for UK national licences, flight time on a three axis microlight aeroplane will also count towards the revalidation of the SEP rating. There was broad support for this and we will adopt the approach set out in the consultation.

For EASA licences, we await clarification from EASA as to whether flight time in a microlight aeroplane may count towards the revalidation of an SEP rating, although we support EASA taking the same view as per our proposal.

Survey Responses	Support
58	90%

The National Private Pilot's Licence (NPPL)

This proposal was to allow the addition of night or instrument metrological conditions (IMC) ratings to the NPPL. An increase in the permitted mass of aircraft that could be flown on an NPPL was also proposed.

When the proposals were developed we recognised that there was a potential overlap with the proposal for revised medical requirements for the UK PPL and NPPL. This was being progressed separately from the GA ANO Review.

The revised medical requirements move away from having any form of medical certificate, and instead (unless suffering from certain medical conditions) an online self-declaration against the relevant medical standard is all that is required.

Proposal	Survey Responses	Support
Add a night rating	64	90%
Add an IMC rating	60	92%

With regard to raising the weight limit:

Survey Responses	Option	Support
57	2000kgs (current limit)	15%
	2730kgs	23%
	5700kgs	61%

There was also a supplementary question posed:

If you are an NPPL (A) or (H) holder are you likely to take advantage of any of our proposed changes?

Survey Responses	Yes	No
23	65%	35%

There was widespread support for the proposals. However during the latter stages of the consultation, the CAA decided as part of the separate medical project, to allow flight in IMC and at night under the new medical declaration arrangements. This would largely negate the benefit of allowing night or IMC privileges to be added to an NPPL – since it would be possible for the holder to obtain a UK PPL and fly on the same medical declaration and privileges, up to a MTOM of 5700kgs.

We therefore propose to simply align the NPPL with that of the EASA Light Aircraft Pilot's Licence (LAPL), which allows holders to fly at night (if colour safe), but keep the current existing weight limit of 2000kgs. We recommend that any existing NPPL holders who wish to gain IMC rating privileges or fly aircraft up to 5700kgs, who ceased flying on a UK PPL due to medical reasons, either make a declaration under the new process (which will come in later this year) and renew the ratings on their UK PPL (if they are still in possession of it) or if necessary apply for a new one. It should be noted that the medical changes are for UK national licenses only – EASA PPLs still require a Class 2 medical.

Delegating the issue of NPPL

This was widely supported and discussion will commence later this year with the relevant organisations that would like to take this on.

Use of third country licences in non-EASA aircraft

It was proposed to simplify the current article 62 such that a foreign ICAO licence holder could operate any UK registered, non-EASA aircraft, except on a public transport or commercial air transport flight. There was widespread support for this proposal, however some respondents commented that could create a misalignment with the privileges that third country licence holders had for EASA aircraft.

While it is true that this would allow greater privileges for a third country licence holder on a non-EASA aircraft, we believe this is a reasonable simplification. The article is already more permissive than the EASA requirements – which will in future require a validation for all licences, including private ones, to fly any EASA aircraft. In line with our commitment to only align with EASA where beneficial, we believe it proportionate to take a different path in this case. Due to the fact that this only applies to non-EASA aircraft, we believe any economic impact will be very limited. We will adopt the approach set out in the consultation.

Survey Responses	Support
58	90%

Airworthiness

Delegation of the initial issue of national permits to fly

This was widely supported and discussion will commence with the relevant organisations that would like to take on this task later this year.

Use of permit aircraft for commercial operations

The proposed liberalisation in this area was strongly supported, although there were a number of comments that have prompted to us to consider again some of the detail of these proposals.

The strategy proposed was to revise the ANO such that we can define the policy more precisely by general permissions, without having to revise the ANO itself. So for example, the detailed conditions and means of compliance to use an aircraft with a national permit to fly for commercial operations will be set out in the Official Record Series Four (ORS4) rather than in the ANO itself. This will allow us to standardise policy in one place and will give us a good opportunity to remove historic confusion around this area.

This section was quite detailed, and a number of questions were asked to ascertain the views of respondents.

Do you agree with the scope of aircraft permitted for flight training on a commercial basis?

Survey Responses	Support
56	86%

The majority of responses supported the proposed scope. Some concerns were expressed at the expansion of the use of permit aircraft outside of the sphere of non-commercial use, especially with regard to flight training where aircraft may have unusual handling characteristics. However, we believe that the proposal put forward strikes an appropriate balance between allowing greater individual judgement as to whether an aircraft is suitable to be used for flight training and maintaining some CAA control over the scope of permitted operations.

We will adopt the approach set out in the consultation, while maintaining an ongoing review of this policy area.

Do you agree that amateur constructed aircraft should be excluded from the scope of aircraft permitted for flight training on a commercial basis?

Survey Responses	Support
54	54%

This divided opinion, although a small majority appeared to favour restricting the scope as proposed. Some responses opined that kit built aircraft, especially kit versions of factory built aircraft, were likely to be just as safe to fly as a factory built ones. Others believed that there is a higher standard of regulatory oversight for the building of amateur constructed aircraft in the UK than in other states, and therefore their use should not be restricted.

On the other hand there were some comments that the scope of permitted operations would be going beyond that permitted in other states, and that only the owner of an amateur constructed aircraft should be permitted to pay for flight instruction in it.

While we understand it is difficult to generalise about many of these points, we believe that some amateur constructed aircraft have a lower level of quality assurance than that of a factory built one.

We have decided at this time (bearing in mind that the new ANO will give us much more flexibility to adjust this in the future) to allow amateur constructed aircraft to be used for flight training conducted on a commercial basis, but that ab initio flight training should be excluded from this, unless the recipient is an owner or joint owner of the aircraft. So for example, a flying school or club could have an amateur constructed aircraft on the fleet and use it for training, but only for those who already held a licence.

It should be noted that in the UK, amateur constructed aircraft must be found ‘fit to fly’ in order to be issued a permit to fly, unlike in other states which may use a declarative system of airworthiness for such aircraft.

Do you agree that the scope of permit to fly aircraft available for self-fly hire should be unlimited?

Survey Responses	Support
55	84%

While support for this was high, having reviewed the detailed comments from the consultation, we propose to require some form of ‘type support’ for an aircraft that is

offered for self-fly hire. This could be fulfilled either by an organisation approved under the British Civil Airworthiness Requirements (BCAR) A8-26, or through a type responsibility agreement (TRA) with an appropriately approved organisation. This would not be overly burdensome, since the vast majority of common GA permit types are under the auspices of an A8-26 approved (or likely to be in the future) organisation anyway.

The general question of continuing airworthiness and maintenance requirements was also considered.

Do you agree that the current requirements are sufficient to support the proposed increased scope of permit aircraft for flight training?

Survey Responses	Support
54	89%

In general, the response was supportive, however as discussed in the response to the previous question, we believe that some form of type support arrangement is appropriate, if such an aircraft is to be used for commercial purpose and/or self-fly hire. However, since this could be delivered by an A8-26 organisation, it would not impose a requirement over and above already applied to most non-commercially operated aircraft at the lighter end of the GA fleet.

A question was then asked about financial benefits or disbenefits from the proposed expansion of permitted operations.

Do you see any financial benefits or disbenefits resulting from the proposed changes in this area?

Survey Responses	Yes	No
38	63%	37%

The written comments on this area were a mix between those who believed it would bring lower hourly flying costs to those hiring aircraft or receiving flying training, and those who believed it would impact negatively on existing business.

We believe that this proposal has the potential for a modest reduction in costs to end users in the GA community. It will also allow a greater variety of aircraft to be hired than was previously the case. However, we also believe that many respondents to this question overestimated the impact of the change.

We would like to emphasise that this only applies to non-EASA aircraft, since the ANO does not affect EASA aircraft in this area. EASA aircraft on a permit to fly will continue to be limited by their applicable permit conditions in terms of what operations they may be used for.

In the case of training for EASA licences, this training will still have to be carried out by ATOs, even if a greater variety of aircraft are permitted to be used under this proposal.

Factory built aircraft above the microlight mass category are not affected by this proposal since they come under EASA regulation.

Overall we believe that this package of reform is of overall financial benefit to the GA community.

Special Category Certificate of Airworthiness

This proposal was to introduce a special certificate of airworthiness for complex and intermediate aircraft (as defined by current BCAR definitions) which would contain the privilege to conduct commercial (but not commercial air transport) operations. This would be subject to the aircraft meeting enhanced airworthiness requirements. Due to the limited number of aircraft to which this would be applicable, there was not a large response rate on this; however those that did respond were supportive. We will adopt the approach set out in the consultation.

Do you agree with the proposals or are there issues you would like to comment on?

Survey Responses	Yes	No
34	91%	9%

Other airworthiness procedures for non-EASA aircraft

Pilot-owner maintenance

This was about whether for non-EASA aircraft with a certificate of airworthiness, the approach to pilot-owner maintenance should be aligned with that of EASA's Part-M, which allows for a more flexible approach than the current national regulations, which are very specific in terms of what the pilot-owner may carry out. It should be noted that this does not relate to aircraft with a national permit to fly. The response was very positive. We will adopt the approach set out in the consultation.

We considered aligning with the EASA approach which we believe will be more flexible and would like to know if this would be a worthwhile change.

Survey Responses	Support
45	96%

Weight schedule for permit aircraft

The review considered whether the legal requirement for a weight schedule should also apply to aircraft that held a permit to fly, as well as those aircraft with a certificate of airworthiness. Most of the responses were positive and a number expressed surprise that this was not the case already. We will adopt the approach set out in the consultation.

Do you agree that it should be a legal requirement for a permit aircraft to have a weight schedule?

Survey Responses	Support
48	81%

Aircraft registration

The more flexible approach to the foreign ownership of UK registered aircraft was again presented here. The aim was to encourage those with a reasonable connection to the UK, to place their aircraft on the UK register, while still retaining a

right for the CAA to refuse a registration if we believed an aircraft would be more suitably registered elsewhere. We believe this will bring a minor improvement to oversight.

There was little comment on this element of the consultation, although most that was received, was supportive. We will adopt the approach set out in the consultation.

Next steps

We would like to thank all the respondents for taking part in such a comprehensive and sometimes complex consultation. Since the close of the consultation period, work has begun on the drafting the ANO 2016. Subject to Parliamentary procedures, we anticipate coming into force in late 2016. Consequential amendments to supporting policy and documentation will be made as soon as possible.