

Declared Balloon Operator Guidance

CAP 1741

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Foreword

The purpose of this document is to provide guidance for organisations or individuals seeking to register as a Declared Balloon Operator (DBO) offering commercial ballooning flights where the principal place of business and registered office are located in the United Kingdom. The CAA will not accept any declarations from organisations or individuals not meeting these criteria.

This document and other CAA documents are available on the CAA website and can be downloaded by users without charge.

It should be noted that this document is subject to change as information is disseminated from UK Regulation.

Nothing in this document is intended to conflict with UK Regulation or UK statute law where applicable. Whilst every effort is made to ensure that all information is correct at time of publication, the CAA reserves the right to amend this document as required to accommodate changes to the primary authority documents, to correct errors and omissions or to reflect changes in national policy and best practice.

If, after reading this document, you still have queries please contact the General Aviation Unit at the Civil Aviation Authority:

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Chapter 1

Introduction

Current Legislation and Status

- 1.1 UK Regulation (EU) 2018/395 (Balloon Rule Book) lays down detailed rules for air operations with balloons, where such aircraft meet the conditions laid down in points (b)(i) and (b)(ii) of Article 2(1) of UK Regulation (EU) 2018/1139 (Basic Regulation). Operators of balloons shall operate the balloon in accordance with the requirements set out in Article 3 and Part BOP, Subpart BAS of Annex II within the Balloon Rule Book.
- 1.2 UK Regulation (EU) 2018/395 Annex II subpart BOP.BAS.001 shall not apply to design or production organisations who are compliant with Articles 8 and 9 of UK Regulation (EU) No. 748/2012 and who operate the balloon within the scope of their privileges, for the purposes of the introduction or modification of balloon types.
- 1.3 Operators shall only be entitled to engage in such commercial operations after declaring to the CAA their capacity and means to discharge the responsibilities associated with the operation of the balloon. They shall make that declaration and operate the balloon in accordance with the requirements set out in Subpart BAS and Subpart ADD of Annex II.

Purpose of this Document

- 1.4 This document is intended to serve the following purposes:
 - To support new organisations to adhere to UK safety requirements when making a declaration to the CAA as a DBO,
 - To explain how the CAA will deliver its regulatory oversight of DBOs,
 - To provide guidance to DBOs on continuing compliance with regulation, policy and guidance.
- 1.5 This document should be read in conjunction with the relevant provisions of UK Regulation (EU) No. 1178/2011 Annex I Part-FCL, UK Regulation (EU) No. 965/2012 Annex II Part-ARO, Annex II Part-ORO, and the Balloon Rule Book.

Publications and Forms

- 1.6 Several publications and forms are referred to in this publication. They are listed in Annex B.

Chapter 2

Declaration Process

Prior to declaration

2.1 The following information should be considered prior to a declaration to the CAA:

- A DBO is considered to be a single organisation staffed, equipped and operated in a suitable environment to offer commercial balloon flights.
- An operator shall, when requested by the CAA verify continued compliance with the applicable requirements set out in Annex V to UK Regulation (EU) 2018/1139 and with the requirements of the Balloon Rule Book, in accordance with UK Regulation (EU) No. 965/2012 Annex II subpart ARO.GEN.300(a)(2).
- The operator shall use either of the following means to demonstrate such compliance:
 - Acceptable Means of Compliance (AMC);
 - Alternative Means of Compliance (AltMoC).

Application for a Declared Balloon Operator with a principal place of business outside the UK

2.2 An organisation with its principal place of business outside the UK, including the Channel Islands and the Isle of Man cannot make a declaration to the CAA to operate as a DBO. Further guidance on may be found on the CAA website.

2.3 The CAA will not accept a declaration from an operator who wishes to establish an operating site outside the UK.

Declaration and Fees

2.4 Any organisation wishing to offer commercial balloon flights in the UK must submit a DBO Declaration to the CAA prior to starting any activity, using form SRG2146. Any subsequent changes or variations to the information supplied on the original declaration should be notified to the CAA using the same form amending only the information which has changed.

2.5 An organisation making an initial declaration to the CAA as a DBO, or amendment, or variation to an existing declaration, should use best endeavours to ensure that any documents provided are both complete and accurate. The material should also clearly demonstrate full compliance with all relevant UK regulatory requirements.

- 2.6 Fees are payable to the CAA for an initial DBO declaration using form SRG2146, and for any subsequent amendment or variation to that delcaration.
- 2.7 A fixed annual continuation charge shall be payable by the DBO to the CAA. The CAA will raise an invoice for the DBO in respect of the annual continuation charge which shall be payable on demand.
- 2.8 All fees and charges can be found in Official Record Series 5 - Scheme of Charges.

Chapter 3

Submissions

Items Required for Submission for Initial Declaration

3.1 The initial Declaration must be submitted to the CAA using form SRG2146 and must contain the following information:

- Name of the DBO (including legal entity and trading name if applicable).
- Contact details of the organisation's principal place of business, main trading site and main operating base (if different) and, if applicable, the contact details of any other operating site(s).
- Names of the Representative and Accountable Manager.
- Balloon types, registration details, maximum number of passengers and types of operations.
- Details of the Combined Airworthiness Organisation responsible for the balloon airworthiness requirements.
- Confirmation that all balloons meet the applicable airworthiness requirements.
- Details of any sub-contracted activity (such as aircraft maintenance).
- Confirmation that the DBO has a safety policy and management system by which it operates.

3.2 Additionally, the following items should be submitted:

- Confirmation of legal status of the DBO, e.g. a copy of the company registration document or confirmation of the Companies House number (see annex C for details).
- Relevant application fees as detailed in the CAA Scheme of Charges.
- Proof of permission to operate from relevant landowners.

3.3 It is important that DBOs provide a single email address to be used for all communication between the CAA and the DBO. Any changes to the email address supplied must be communicated to the CAA.

Submitting the Declaration

3.4 The organisation may commence operations based on the information specified in their declaration as soon as the Declaration has been submitted together with

the appropriate fee to the CAA, and an acknowledgement has been received from the CAA.

- 3.5 UK Regulation (EU) No. 965/2012 Annex II subpart AMC1.ARO.GEN.345 states that the UK CAA should acknowledge receipt of the declaration in writing to the DBO within 10 working days. The CAA will either confirm receipt of an acceptable declaration form within the 10 days or will request further details if necessary.
- 3.6 It is the responsibility of the DBO to check that the CAA has received the declaration if they have not had any such acknowledgement within 20 working days following the original submission of the declaration.
- 3.7 Where incorrect or incomplete information is supplied, the CAA will notify the DBO as soon as possible by email detailing any errors or omissions. Where further details are required and the declaration form needs to be resubmitted, a further 10 working day period will start upon receipt of the additional information.

Allocation of a Flight Standards Officer

- 3.8 When a declaration form has been received with the relevant fee and any other associated documentation, a CAA Flight Standards Officer (FSO) will be assigned to oversee the application process and review the relevant documentation. The FSO will work with the DBO, conduct any required oversight visits, and will be the DBO's main point of contact within the CAA.

DBO Validity and Identification

- 3.9 A DBO declaration remains valid without expiry unless revoked, suspended or varied by the CAA. However, the DBO is obliged to notify the CAA of any changes to the information supplied on the original and any subsequent declarations using form SRG2146.
- 3.10 The CAA will allocate a unique Identifying Number to each DBO. The CAA will notify the DBO of this by returning a copy of the original declaration with the Identifying Number added and an official signature, recognising the DBO. This should be retained by the DBO.
- 3.11 For continued oversight of an organisation, the CAA will follow the procedure detailed at UK Regulation (EU) No. 965/2012 Annex II, subpart ARO.GEN.300, ARO.GEN.305 and those specified within the Balloon Rule Book (see Chapter 4 below).

Chapter 4

Oversight by the CAA

Initial Oversight of DBOs

4.1 Once a DBO has submitted form SRG2146 together with the appropriate fee to the CAA, the CAA will acknowledge receipt and be responsible for continuing regulatory oversight. This oversight may include audits and inspections, including, where appropriate, unannounced site inspections, flight sampling and meetings between the postholders and the CAA.

Initial DBO Inspection

4.2 All DBOs should expect an initial oversight inspection by a CAA FSO at any time within 12 months of receipt of the declaration. Wherever possible, the FSO will contact the DBO three months prior to the anticipated visit to agree a date and ensure that the nominated postholders will be available on the date agreed. Normally the inspection and other oversight visits will take place on a week day. However, it may be possible for the CAA to arrange such visits on Saturday or Sunday.

Ongoing Oversight Cycle

4.3 The interval between oversight inspections (oversight planning cycle) is established by the CAA using risk-based criteria, including volume and range of activity, DBO size and complexity, the effectiveness of the DBO's safety management system and any issues identified under the Occurrence Reporting Scheme. The oversight planning cycle will not exceed four years, however, visits may take place at more frequent intervals, dependant upon the DBO's performance, to enable the FSO to check the effectiveness of the DBO's organisational system and to observe training taking place.

4.4 CAA continuous oversight inspections follow a similar pattern to the initial inspection. During such inspections, emphasis will be placed on the effectiveness of the DBO's safety system, including internal reviews, safety policy, hazard/risk identification, root cause analysis (where applicable) and operations review to ensure compliance with applicable regulations. It is therefore essential that nominated postholders are available for all CAA inspections.

Oversight Inspections

4.5 A DBO oversight inspection will focus on, but not be confined to, reviewing safety related items such as:

- The existence of a safety policy and its adequacy regarding the DBO's activities;
- The existence of appropriate measures to achieve the objectives of the safety policy, including; root cause analysis, risk identification, assessment and mitigation measures, results of annual reviews and respective corrective actions, if applicable;
- Compliance with applicable regulations;
- Operating sites and associated facilities;
- Pilot licences, including, certificates, ratings and logbooks.

Sampling of Flights

4.6 The FSO might sample flying with the DBO at various stages of the oversight planning cycle. During inspections, DBOs can expect the FSO to observe actual passenger briefings, instruction, and balloon flight, including pre-flight and post-flight briefings. The FSO will aim not to disrupt or distract the pilot from the flying during any observation. Observation of flights may also be carried out by CAA Flight Examiners on behalf of the General Aviation Unit.

4.7 Training records for pilots and staff training and standardisation records will also be sampled during a DBO inspection. These documents must be made available to the FSO upon request.

Findings during oversight and corrective action

4.8 If, during oversight, evidence is found by the FSO that indicates a non-compliance with the applicable requirements the FSO will, on behalf of the CAA:

- Raise a finding, and communicate the finding in writing to the nominated postholder of the DBO that will include the period of time within which the DBO must take corrective action;
- If necessary, ensure that the DBO takes immediate and appropriate action to limit or to stop the flying activity until successful corrective action is taken if a safety problem is identified;
- If necessary, suspend all or part of a DBO's activities, until such time as a satisfactory resolution is put in place, if post audit corrective actions do not suitably address audit findings.

Chapter 5

Changes to the Declaration

Obligations of the DBO

5.1 Any changes to the information supplied below on the original declaration must be notified to the CAA using form SRG2146:

- Changes to the legal entity;
- Changes to nominated personnel;
- Changes / Additions to the fleet;
- Changes to base sites;
- Termination of commercial operations.

5.2 Unforeseen changes should be notified promptly, in order to enable the CAA to determine continued compliance with the UK Regulation.

5.3 Where an organisation ceases offering commercial ballooning activities it must inform the CAA without undue delay.

5.4 Where an organisation changes its name only but retains the same company number with Companies House, a copy of the Companies House certificate verifying the change must be submitted with a covering letter, a completed application form and the appropriate CAA administration charge.

5.5 The status of a DBO is NOT transferable. Therefore, if there is a change to the DBO's legal status i.e. the operator intends to operate using a different company, or the DBO transitions from sole trader status to that of a partnership or limited company, a new declaration application must be submitted. The original declaration will in that event cease to be valid.

5.6 In the above circumstances the previous declaration which has been made must be surrendered to the CAA by the DBO.

Chapter 6

Revocation, Suspension or Variation / Limitation of a Declaration

CAA Action

- 6.1 The CAA is under an obligation to be satisfied, on a continuing basis, of the fitness of character of individuals and post holders. The CAA must consider options for any regulatory intervention when available information indicates that a person may no longer have the fitness of character appropriate to the privileges of their licence.
- 6.2 The CAA can take immediate and appropriate action to prohibit¹, limit or suspend activities of any organisation where that organisation has been in serious breach of the applicable regulations and no remedial or corrective action has been taken or proved effective.
- 6.3 Annual fees in respect of continuation of the validity of the Declaration will be payable throughout the full period of DBO suspension.
- 6.4 Where an organisation declaration has been revoked or surrendered by the CAA, no further fees are payable, however, outstanding invoices will still be payable.

¹ This can be either on a temporary or permanent basis.

ANNEX A

Abbreviations

AMC	Acceptable Means of Compliance
ANO	Air Navigation Order (2016), as amended
ATO	Approved Training Organisation
BPL	Balloon Pilot Licence
CAA	Civil Aviation Authority
CAMO	Continuing Airworthiness Maintenance Organisation
CAO	Combined Airworthiness Organisation
CPL	Commercial Pilot Licence
DTO	Declared Training Organisation
EU	European Union
FE	Flight Examiner
FSO	Flight Standards Officer
GAU	General Aviation Unit
GM	Guidance Material
GR	Ground Examiner
OM	Operations Manual
PPL	Private Pilot Licence
SM	Safety Manager
SMS	Safety Management System

ANNEX B

Publications and Forms

CAA Publications: <https://www.caa.co.uk/our-work/publications/>

CAA Skywise: <https://skywise.caa.co.uk/>

CAP1741: Declared Balloon Operator Guidance: <https://www.caa.co.uk/cap1741>

CAP1760: Effective Problem Solving and Root Cause Identification:
<https://www.caa.co.uk/cap1760>

Official Record Series 5 - Scheme of Charges: <https://www.caa.co.uk/ors5>

Regulations: <https://www.caa.co.uk/uk-regulations/>

Root Cause Analysis: <https://www.caa.co.uk/commercial-industry/aircraft/airworthiness/approval-information-and-guidance/root-cause-analysis/>

Safety management systems: <https://www.caa.co.uk/sms>

SRG2146: Declaration form: <https://www.caa.co.uk/srg2146>

ANNEX C

Guidance: Legal Entity of the Applicant Organisation

Introduction

C1 The CAA routinely receives applications for legal documents (e.g. Certificates, Licences, Permissions, Approvals, and Exemptions). Before granting issue of these documents, it is important that the legal status of the applicant is established and the correct name of the entity is used. The CAA will only provide such documents to legal entities once these have been fully established or clarified. The CAA wishes to ensure that all parties are protected, whether these are the applicant organisation, the students it trains or the CAA itself in both legal matters and business matters.

Definition of a 'Legal Entity'

C2 Legal entities take one of two forms:

- A natural person
- A corporate body

Natural Persons

C3 A natural person is an individual such as 'John Smith'. All natural persons have rights and duties under the law and can be held accountable in the courts. Natural persons are able to hold various legal documents granted by the CAA. In some instances, the CAA may ask for corroborating identification such as a passport or birth certificate, before granting a document to a natural person. Natural persons in business are sometimes referred to as 'sole traders'.

Natural Persons and Trading Names

C4 Natural persons may adopt one or more trading names under which to conduct business, e.g. Smith Aviation. The application form should, for example, show John Smith as the Applicant and Smith Aviation as the trading name.

Partnerships

C5 Several individuals may join together to form a partnership under the Partnership Act 1890. A partnership is a relationship which exists between persons in business together with a view of profit. The partnership may adopt a name, e.g. the John Smith Partnership.

C6 In Scotland, under the Partnership Act, a partnership has its own distinct personality, and unless it is a Limited Liability Partnership (LLP) which is a form

of incorporated partnership, a partnership has no legal identity of its own and must be treated as a trading name.

C7 All documents granted to a partnership should therefore show all the names of the individual partners, e.g. John Smith, Jane Smith, David Brown and Dianne Brown trading as the John Smith Partnership.

Clubs

C8 Distinct from a partnership, several individuals may also join together to form a club as an unincorporated association through their agreeing to abide by common rules, and members may leave and join the club via the same way. An unincorporated club has no distinct legal identity and club property is generally held by trustees on behalf of the club members, sometimes the chairman and club secretary.

C9 Where a certificate or other document is to be issued to an unincorporated club, it will be necessary to determine in whose names the certificate is to be held in accordance with the club's rules.

C10 If the club is incorporated, as for example if it is a limited liability company, the document will be issued in the name of that company.

Corporate Bodies – Great Britain

C11 There are many different forms of GB body corporate, but the most common are:

- Limited Liability Companies;
- Companies limited by guarantee; and
- Limited Liability Partnerships.

C12 Whatever form it takes, a corporate body will be able to produce documentary evidence of its incorporation, usually an official copy of the certificate of registration issued by the Companies Registrar.

GB Limited Companies

C13 In Great Britain, companies can either be private limited companies (e.g. Smith Aviation Ltd), public limited companies (e.g. Smith Aviation PLC) or companies that are limited by guarantee. In all cases they will have been registered at Companies House.

C14 Documents granted must show the complete and accurate name of the company, including punctuation such as spaces, full stops and brackets, (e.g. Smith Aviation (2001) Ltd). Apart from the use of Ltd (which is short form for Limited) and Plc (which is short form for public limited company) no abbreviations should be used unless they are actually used within the company's name. Any application forms should therefore have the legally accurate name of the

company, including spaces, punctuation etc. as registered with Companies House.

C15 Each company additionally has a unique registration number that is allotted to it on its incorporation and which cannot be changed or transferred, even when a company changes its name. This number should be entered on any application form where requested by UK CAA.

GB Limited Liability Partnerships (LLP)

C16 LLPs will have been registered at Companies House and should be treated in the same way as limited companies.

Non-GB Limited Companies

C17 Companies based outside Great Britain will have been subject to a registration process in the country of registration. This process will have resulted in the generation of documentary evidence, such as Certificates of Incorporation. CAA policy requires sight of copies of such evidence before granting documents to non-GB limited companies (**note:** If the certificates etc. are in a foreign language these will be required to be submitted in the original language along with a translated version).

Corporate Bodies and Trading Names

C18 Bodies corporate may, like natural persons, adopt trading names. For guidance, see '**Trading Names**' section below.

Trading Names

C19 Natural persons and bodies corporate may adopt one or more trading names. The trading name is not the name of the legal entity, indeed, several different legal entities could, in theory, adopt the same trading name. The CAA will issue all documents in the legal name of the Body Corporate or Natural Person.

C20 Where the applicant has informed the CAA that they wish to adopt a trading name, e.g. on the application form, this will be shown on the document in addition to, but not instead of, the legal name, e.g. John Smith trading as Smith Aviation, or Smith Aviation Ltd trading as Smithair.

C21 However, there are two circumstances in which CAA may wish to query or refuse a request:

- Firstly, where the trading name does not seem to be properly reflected in the documentation produced by the company. The organisation will need to make clear that there is no confusion in-house as to what procedures, manuals or other forms and records they should be utilising. There must be consistency in the way the organisation is described in its own documentation and material. The CAA will query the position with the applicant where this is not the case.

- Secondly, and of less importance, because the CAA is not responsible for regulating the use of trading names, where the trading name seems potentially confusing the CAA may query it with the applicant, e.g. Bloggs Air Limited trading as British Airways.

Legal Entity Identification

C22 In order to regulate effectively, the CAA needs to be clear about the identity of the organisations with which it is dealing. The CAA will therefore insist that all correspondence, manuals and other documents submitted in support of applications, or in the course of routine regulatory oversight, clearly identify the appropriate legal entity.

C23 It should be noted that whilst a company can change its name one or more times over its lifetime and that two different companies can have the same name albeit not at the same time (this is not uncommon in group reorganisations and in company liquidations where the liquidators of the company may sell the name to another company, sometimes to its former management) each company has a unique registration number that is allotted to it on its incorporation and which cannot be changed or transferred. It is therefore recommended that an incorporated company has this number included in its documentation and correspondence.

Changes to the Organisation (Change of name, re-organisation etc.)

C24 Any application to amend an organisation certificate should be submitted at least 30 days before the date of intended changes. Unforeseen changes should be notified at the earliest possible opportunity in order to enable the CAA to determine continued compliance with the UK Regulation.

Change of Name only

C25 Where an organisation changes its name but retains the same company number with Companies House only, a copy of the Companies House certificate verifying the change should be submitted with a covering letter, a completed application form and the appropriate CAA administration charge. Amendment pages will additionally need to be issued for the company's approved manuals held by CAA. Subject to all submissions being satisfactory, the DBO will be re-issued in the new company name.

Re-organisations, Mergers etc.

C26 **An acknowledgement once issued is NOT transferable.** A new declaration must be made if there is going to be a substantial change in the organisation's circumstances, for example, where a DBO changes its name and ownership or enters into an arrangement to 'move / merge' an approval to/with another DBO.

C27 Approvals Support should be notified at the earliest possible opportunity if such a change is going to take place, in order that advice can be given on what needs to be done to facilitate the issue of a new approval as expeditiously as possible.