

The GA ANO Review

Thematic public consultation



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Foreword

Reflecting on the last 18 months, I believe the CAA has reason to be encouraged that we are delivering on our promises regarding the reform of General Aviation regulation. There is a sense of momentum both within and outside of the organisation. The public commitments that have been made towards this are ambitious, but I am confident we will continue to live up to them.

Some of the changes have been iconic, such as the ability to pay for a ride in a Spitfire, for an aerodrome to introduce pilot controlled lighting, or to install a foreign approved modification on a UK registered aircraft, with no CAA involvement. Through diligence, determination and strong stakeholder support, we have begun to overturn some sacred cows. We have given careful consideration to the risks and complexities around every issue, and drawn consistent conclusions. This approach has ensured that we do not undermine the UK's outstanding record of safety assurance for non-participating third parties.

With that in mind, it is timely that we are reviewing all areas of the Air Navigation Order that are relevant to GA, and ensuring they are consistent with our objectives in this area. If done narrowly, this exercise could easily have become a post hoc justification of the current text, with little real challenge taking place. Similarly, by examining each article individually, a sense of the wider context could have been lost.

To guard against this, we have tried to think thematically, with each article prompting a debate around the relevant issue, with all complexities explored. Many ideas about how the regulation of GA could be improved have sprung from this. It is this resultant range of proposals and questions that we would really appreciate your response to.

Since the ANO covers such a wide range of aviation activity, this consultation covers an unusually large number of policy areas. It may in fact be one of the broadest consultations that we have ever undertaken. In short, I hope it contains something of interest for almost everyone involved in UK GA.



Andrew Haines
Chief Executive

Executive summary

The CAA's approach to General Aviation

In response to the Government's GA Red Tape Challenge (RTC) of 2013, we conducted a fundamental review of our approach to the regulation of GA, with a view to making it more proportionate and less burdensome.

This led to the creation of our GA Programme, a portfolio of projects designed to address issues and recommendations from the GA RTC, and improve the regulation of UK GA in general. It is managed by our GA unit, and involves drawing on resource and expertise throughout the whole organisation.

To guide us in doing this, we set out the following principles:

- Only regulate directly when necessary and do so proportionately;
- Deregulate where we can;
- Delegate where appropriate;
- Do not gold-plate, and quickly and efficiently remove gold-plating that already exists; and
- Help create a vibrant and dynamic GA sector in the UK.

In November 2014 we published the GA Policy Framework¹, the mechanism by which we will deliver on those principles while continuing to meet our statutory duties to protect the public.

The primary stakeholders that the Framework aims to protect are:

- Uninvolved third parties on the ground;
- Other users of airspace, including commercial air transport; and
- Third party participants on board GA aircraft where we have developed guidelines to inform them of the risks associated with the relevant activity.

Through abiding by our principles for the regulation of GA, and using the GA Policy Framework process, we aim to strike the correct balance between reforming the approach to GA and protecting those whom we are obliged to.

For the purposes of the Air Navigation Order (ANO) review, those principles have been further expanded on and are set out in this consultation.

¹ [GA Policy Framework](#)

The GA Air Navigation Order (ANO) review

The ANO is the UK's statutory instrument which forms the legal foundation for almost all areas of civil aviation that are still regulated at national level.

As part of our new approach to the regulation of GA, we are undertaking a joint project with the Department for Transport to review all aspects of the ANO that could impact on a GA activity.

The review was initiated to ensure that:

- The ANO is compatible with our new approach to GA; and
- Our approach to GA regulation is examined in a holistic manner.

It is a deregulatory endeavour that aims to improve regulation for the benefit of GA while remaining in accordance with our statutory duties. The review is not simply about changing the text of the ANO, but focusing on what the key policy outcomes should be in each of the relevant area it covers, and then determining what the ANO would need to say to enable them.

It has acted as a platform for discussion of a wide range of GA related issues, and considered a number of key policy questions. In order to focus the review, only policy areas that are defined by the ANO were addressed.

The relationship and interlinks between EU and national aviation regulation have been extensively considered as part of the review. However, since the UK no longer has the direct power to alter the regulation of aircraft and operations which fall under EU regulation, the focus has been those areas that fall outside of it. This still amounts to a substantial number of aircraft and activities, for example there are still approximately 9,100 non-EASA GA aircraft registered in the UK.

Next steps

This consultation document is the output of the first phase of the review and includes a package of broad concepts and options in a thematic format. It is addressed primarily to the GA community, to gather their views on the proposals.

Once the comments have been received from this consultation, the proposals will be refined and presented in a more detailed format for final consultation in the autumn of 2015. Implementation of the new ANO will take place in the autumn of 2016.

Key proposals

The proposals for this consultation are deliberately broad and exploratory, often presenting open questions on which we would appreciate your feedback. For the purposes of the review, they have been divided into four functional areas; flight operations, airworthiness, pilot licensing and aircraft registration.

Overall, they should amount to a substantive body of change which will be of benefit to UK GA. When the new ANO comes into force in autumn 2016 it should reflect a regulatory landscape that is more proportionate, simpler and easier to understand.

Flight operations

The flight operations area was undoubtedly the largest of the review. It covered operational rules and equipment for GA aircraft, the regulation of various aerial activities such as parachuting, flying displays and aerodromes outside the scope of EU regulation. The key proposals include:

- Alignment with EASA operational definitions such as commercial and non-commercial, specialised operation and commercial air transport. This will mean the removal of historic ANO terms such as public transport and aerial work and will bring greater clarity to the subject area;
- Simplification and alignment between the substantive operational rules and requirements for EASA and non-EASA aircraft; provided no additional burdens of compliance are imposed. As a complementary initiative, the concept of the 'Skyway code' to assist GA pilots with understanding regulations is also presented;
- Simplification of the rules around aerial activities such as the towing of other aircraft and the dropping of objects;
- Simplification of the rules around the activities of small balloons and kites;
- Removal of flight time limitations under the ANO for operations conducted under non-commercial rules;
- Review of the requirement to hold a Police Air Operator's Certificate (AOC) if operating in the service of the police; for relevant GA organisations that wish to assist the Police, we may be willing to issue a permission to do so without an AOC, subject to conditions;
- Review of our involvement in parachuting operations; we wish to explore whether the regulatory approach could be refined in this area; and
- Review of the regulations for non-EASA aerodromes; it may be possible to allow more flexibility in the circumstances in which an aerodrome needs to be licensed.

Airworthiness

Overall the legal foundations for airworthiness as set down by the ANO were considered to be appropriate. Nonetheless a number of areas in which the requirements could be reformed or better utilised were identified:

- Consideration of remunerated flight training in Permit to Fly aircraft;
- Use of the 'Special Category' Certificate of Airworthiness (CofA); whilst this is generally no longer issued, it could be reactivated for aircraft that do not hold an ICAO compliant CofA but could be allowed to conduct some commercial operations. This might bring greater clarity to the different levels of airworthiness assurance, by having an intermediate step between a Permit and a full CofA;
- Review of the requirement for aircraft maintenance schedules and logbooks to be approved by us; in line with the approach that EASA are taking, we should apply the 'minimum inspection programme' concept to non-EASA aircraft as well. This includes a simple list of essential maintenance tasks.
- Review of the approach taken to pilot owner maintenance for non-EASA aircraft; the UK approach involves a specific list of tasks, whereas the EASA approach is to specify general characteristics that a task must have in order to be performed by a pilot. It may be appropriate to align approaches;
- Exploring the option for regulatory 'designees' in the airworthiness system; this could be similar to the US Federal Aviation Administration (FAA) system, in which individuals are empowered to perform certain regulatory tasks, such as issuing CofAs or approving modification or repair designs; and
- Allowing Permit to Fly aircraft to fly under 'A conditions'; this would allow an aircraft engineer to certify that an aircraft with an expired permit was fit to fly, in the same way they can for a non-EASA CofA aircraft. This would bring greater flexibility in circumstances in which an aircraft needs to be flown to a suitable place of maintenance or repair without a valid permit.

Pilot licensing

The basic structure of pilot licensing is covered by ICAO requirements. Many of the ANO's articles in this area are simply basic provisions, for example to make it illegal to fly most aircraft without a licence, or to allow us to approve courses for the purposes of training pilots. The privileges of UK licences are set in the ANO, although requirements such as minimum training hours are not. There are a number of areas that we would appreciate feedback on:

- Considering ways to improve the National Private Pilot's Licence (NPPL); we intend to retain it, but the review also considered how it could be simplified and improved;
- Licensing of smaller aircraft; we considered the appropriate training and licensing requirements for smaller light aircraft, generally those in the SSDR (single seat deregulated) category and below, including paramotors;
- Review of foreign licence privileges in UK registered aircraft; the current provisions only allow validity for private flight under VFR and IFR outside of controlled airspace. This could be further expanded, although in future we will only have discretion over this for non-EASA aircraft; and
- Aligning UK licence privileges with those of their equivalent EASA ones; this would be a logical simplification measure and bring greater clarity to the different licence privileges in general.

Aircraft registration

Aircraft that we have some regulatory involvement with have to be registered.

The review did find one area in which our approach could be changed:

- More flexibility in terms of who can own a UK registered aircraft: for example UK registered aircraft owned by non-EEA (European Economic Area) citizens are currently prohibited from conducting anything other than private flying. This could be revised to allow commercial operations.

How to respond

Responses to this consultation should be sent to gaconsultations@caa.co.uk by 26th May 2015. There is also a Survey Monkey response tool at: www.surveymonkey.com/s/CAAGA

Since there are many subject areas covered, we expect some respondents will only wish to reply with regard to specific ones. This is more than welcome, especially considering the large number of questions included.

Please note that only issues that relate to policy as defined by the ANO will be directly addressed as part of this process. We are more than happy to hear from you regarding issues that are not related to the ANO, but they may have to be addressed in future work under our GA Programme.

Respondents may wish to refer to a copy of the ANO 2009 when reviewing the consultation, although this is by no means essential since the issues are generally discussed in broad terms, without direct reference to the legal text. With each subject area presented there is a reference included to the relevant ANO provisions.

Our publication of the ANO 2009 can be found in Section 1 of CAP 393 at www.caa.co.uk/cap393

We often refer to European regulations in the consultation, particularly the air operations regulations relevant to GA, which includes Part-NCO (non-commercial operations with non-complex aircraft). These are contained in Commission Regulations (EU) 800/2013 and 379/2014.

The European regulations can be found on the EASA website at <https://easa.europa.eu/regulations>

Reviewing the ANO

Introduction to the ANO

With the exception of the Rules of the Air, which is a separate piece of legislation, the ANO is the primary foundation for the regulation of aircraft and aviation activity outside the scope of EU regulation.

Its functions include:

- Creating the legal basis for the our regulatory provisions, powers and obligations;
- For areas in which EU aviation safety regulations apply, providing that they are enforceable in UK law and designating us as the UK's competent authority; and
- For areas outside of EU regulation, setting out legal requirements for the registration, operation and airworthiness of aircraft, the regulation of aerodromes, airspace and air traffic services, and the licensing of aviation personnel.

For EASA aircraft and areas for which EU regulations apply, such as airworthiness and pilot licensing, the ANO simply contains provisions and penalties to enable the UK's enforcement of them. The UK does not have the power to directly alter EU regulations, and instead must engage with the EASA rule making process to effect changes.

Why review the ANO

The ANO invests us with a large amount of discretionary power. For the purposes of determining the basis on which licences, certificates and approvals are issued, much of the detail of how to comply with the legal requirements are in effect built on the provisions of the ANO rather than contained within them. For example the ANO may simply require the applicant of a pilot's licence to be suitably competent, or that an aircraft must be fit to fly before holding a certificate of airworthiness.

Details of compliance for the legal requirement are usually contained within policy documentation that we publish. For example, the ANO does not stipulate that an applicant for a UK PPL must have a minimum of 45 hours flight training. It merely states that the applicant must undergo such courses of training and assessments as we may require for the purposes of demonstrating competence towards the issue of the licence. This means that a broad range of regulatory flexibility and change can be achieved without actually altering the text of the ANO.

However, there are limits to this flexibility. The ANO does contain requirements such as the need for particular aircraft to hold a certificate of airworthiness, or for us to satisfy

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ourselves that someone is competent before issuing a relevant approval. Therefore if we determine that such a requirement is no longer necessary, or represents an undue burden, the ANO must be exempted from and eventually amended to reflect that change.

Overall, we determine what the regulatory framework should look like to achieve the intended safety outcomes. The ANO is then written and updated to reflect that framework. Basic provisions, such as the requirement to hold a licence to fly certain aircraft, rarely change. However, as the aviation industry evolves and new regulatory challenges emerge, many provisions of the ANO have to be updated to reflect a different approach to issues.

As our approach to the regulation of GA has changed, we should now review the ANO to establish what provisions are appropriate to reflect the principles of that new approach.

Scope of the review

In defining the scope of the review, we deliberately avoided a definition of GA, and instead took the approach of simply defining what should reasonably be in scope, on the basis of relevance to a GA type activity. This resulted in the inclusion of about 65 percent of ANO's articles, with all of the relevant schedules also being reviewed.

Excluded were:

- Articles relating only to areas that are covered by EU regulations, for example the operation of EASA aircraft;
- Articles that relate only to commercial air transport operations;
- Most articles that relate to the approval or provision of air traffic services; and
- The Rules of the Air, since this is a separate piece of legislation, and was recently reviewed in light of the adoption of the Standardised European Rules of the Air (SERA).

The review did not encompass those areas that are currently covered by EU regulation, although it addressed those outside of it and also extensively considered the relationship and interlinks between national and EU regulation.

Objectives of the review

The review was conducted in accordance with the principles that we set out for the regulation of GA and discharged through the GA Policy Framework. Particular emphasis was given to only regulate directly when necessary, and then only do so proportionately.

The objectives of the review were:

- To ensure the ANO is compatible with our new approach to the regulation of the sector and establish the legal basis for the GA programme;
- To examine each relevant article and review how our regulatory approach could be improved for the benefit of GA;
- Rationalise as many current exemptions as possible into the ANO;
- To consider how the ANO could be made shorter, simpler and easier to understand; and
- To produce a package of reform measures for consultation, which could be reflected in the future ANO.

Process for the review

For the purposes of dividing up the relevant articles for review, a working group of our relevant subject matter experts were formed for each of the functional areas of regulation. These working groups met on a regular basis between October and December 2014, and where relevant met to discuss issues that fall across the different areas. The Department for Transport was also represented on the review.

These working groups consisted of:

- Airworthiness;
- Flight Crew Licensing;
- Operations; and
- Aircraft registration.

When considering particular articles, our current approach was generally taken as the starting point. It was then determined whether a refinement or changed approach was warranted, and whether or not that required a change to the ANO. The focus of the review was mainly those policy changes that require an ANO amendment; however improvements in approach that could be made within the current provisions were often also noted.

The working groups were not asked to spend much time on whether the precise wording or structure was correct, since this would be addressed later in the drafting of the revised ANO. Rather the focus was on answering the questions listed above to assess whether the ANO requirements are appropriate for the regulation of GA.

In addition, an external challenge panel of independent GA experts was appointed by us, to review the output of the working groups and provide challenge as appropriate. The proposals were then refined to take account of the panel's input.

Outputs of the review

As a result of reviewing the articles, the working groups either developed proposals for alternative approaches or explained why they recommended the retention of the current intention and effect of the article.

Generally the possible outputs included:

- Delete the provision;
- Develop a proposal for revision; or
- Retain the current substantive intention and effect.

These outputs are detailed in this consultation document. Once the consultation period has closed, then we will review the responses and revise the proposals as appropriate.

Once the comments have been received from this consultation, the proposals will be refined and presented in a more detailed format for final consultation in the autumn of 2015. Implementation of the new ANO will take place in the autumn of 2016.

Principles for the review

The review was conducted in accordance with our principles for the regulation of GA and the GA Policy Framework. This chapter expands on the detail of how they were deployed during the review. When examining the change proposals later in the consultation, respondents are asked to consider whether they reflect the principles we have set out here.

In order to successfully meet the objectives, and ensure the principles set out for the regulation of GA were applied correctly, a number of key questions were asked of each article.

These were:

- What risks does this article attempt to mitigate?
- Who is it protecting from that risk?
- What is the origin of the article?
- What evidence is there of its effectiveness? and
- Can it be meaningfully enforced?

By questioning the fundamental basis for each article we intended this would identify those that represented an undue burden on GA or were of little or no safety benefit.

When answering the key questions above, a wide range of issues were considered, including, but by no means limited to:

- How does this compare to the equivalent EU regulations or ICAO standards?
- What is the history of this regulatory approach; for example, was it developed from an Air Accident Investigation Branch (AAIB) recommendation?
- Who are the relevant stakeholders exposed to risk in the area that the article relates to, and what are their expectations of safety?
- Could some stakeholders be allowed to bear more risk, assuming they understand the implications?
- Is the application of regulatory provision, such as a rule, approval or certificate, consistent with the risks associated with each relevant issue? and
- Is this a regulatory function that we have to undertake or could it be delegated?

The Correct levels of regulatory intervention

Essentially all of the questions posed by the working groups can be distilled down into two key ones:

- Is the level of safety targeted appropriate? and
- Is the provision the best way to achieve that level; could it be achieved in a less burdensome manner?

Clarity of intention

The principles of the GA Policy Framework require that we focus on the safety of uninvolved third parties, and ensure that any regulatory changes do not expose them to unacceptable risk. This means that in cases where third parties are not involved, informed participants may be permitted to take greater risks, even if that has the potential to result in different safety outcomes. For example our policy on the airworthiness deregulation of single seat microlights was primarily driven by the evidence that the risk to third parties was extremely low. Therefore owners of such aircraft should be permitted to set their own risk levels when maintaining their aircraft.

It is in accordance with the principles of the GA Policy Framework that we must establish what safety outcomes we believe to be appropriate to target, taking into account the ability of the different parties involved to understand and control their risk exposure.

This will generally mean that non-commercial operations will not be subject to the high level of safety targeted for commercial air transport.

Question 1:

- Do the current regulations that apply to GA aim for the correct levels of safety? Please answer yes or no. If necessary, please give examples why.

Achieving those outcomes

Having established the appropriate safety outcomes to target, we must then decide what, if any, intervention is appropriate and necessary to achieve them. Specifically, what tools would be most effective and least burdensome?

Regulation and safety outcomes

Throughout the review it was often very difficult to untangle the precise relationship between the levels of safety of an activity and the rule set that encompassed it.

Some questions that were repeatedly raised included:

- Do we 'need' a rule for something, or would the safety outcome be the same without one?

- What activities should require our approval before being permitted?
- Of what do we need to assure ourselves before issuing such an approval? and
- What difference does requiring an approval make to the safety outcomes?

Often the working groups concluded that while the broad intention of an article in terms of the safety level was correct, there might be ways to achieve the same outcome with less burdensome requirements. However, the precise role that regulation and oversight play in the overall safety outcomes is not always clear.

For example, if upon removing a rule or approval the safety outcomes do not change, this would indicate that either the risk the provision was attempting to mitigate did not really exist, or was 'self-limiting' in the absence of regulation. However until a rule or approval is removed, it is sometimes difficult to be certain of the likely effect.

As a result of attempting to address this question, we have reached varying degrees of confidence as to whether changing or removing a rule would alter the safety outcomes. Where relevant, this dimension will be explored in the context of individual issues.

Historic safety data has been of some assistance during the review, as were comparisons with other states. However, this did not always solve the elusive problem of separating out the root causes, regulatory or otherwise, of trends in safety levels.

Total system safety

It is important that our regulatory approach is consistent throughout the ANO and the regulatory policy that builds on it. One of the advantages of reviewing the ANO in a systematic manner was viewing the different levels of regulatory intervention across the entirety of nationally regulated GA operations, and ensuring that consistency.

When examining an issue, the relevant hazards should be considered in the context of the overall risk picture, and only then should it be determined whether a regulatory intervention is justified. For example, a rule or requirement might appear to constitute a sensible precaution against a particular hazard, especially if the marginal cost in isolation appears to be low. However if in reality attempting to mitigate it will do little or nothing for the overall risk picture, it is probably not worth pursuing.

It is often difficult to measure the benefit of regulatory interventions, but what can be established is that when the safety record of a particular activity is already substantially better than the overall GA accident rate, it should not be a candidate for further regulation. Indeed it may be suitable for deregulation.

This is an important principle that we will consider for future regulatory practice, since it guards against the tendency to regulate in reaction to specific incidents, without their context in the wider risk picture being considered.

Regulatory tools available

While regulations often interlink across different areas, essentially we deploy a range of regulatory tools, normally scaled to the complexity of the activity and the associated risks.

These generally consist of:

- No rule or requirement – for example, under the UK Rules of the Air, there is no specific rule prohibiting an aircraft using an unprepared field for takeoff or landing;
- Non-mandatory or supplementary guidance – for example we publish material that constitutes good practice, which can assist GA stakeholders in conducting safe operations or act as a starting point for risk consideration. Often this alone can improve safety outcomes;
- Rule, requirement or standard – we set rules for something, for example to not fly within 500ft of any person, vehicle, vessel or structure. However compliance is simply expected and enforcement action would take place if evidence came to light it had been broken. We can also set a standard or specification for something, without requiring an approval or demonstration of compliance;
- Declaration or notification – in order for an activity to take place, we require notification. However an active response from us is not required and the activity can proceed unless we intervene to stop it – for example some activities under the EASA Air Operations regulation simply have to be declared to the competent authority without a specific permission being required;
- Permission – in order for an activity to take place, we issue a permission, which would normally entail us checking the safety implications of the proposal or the competence of the people involved – for example parachuting operations; and
- Approval, licence or certification – this would normally involve us assessing a product, person or organisation, and certifying that a particular standard has been met. The approval of people or organisations normally confers particular privileges – for example rather than simply writing rules for commercial air transport flights and expecting people to follow them, a specific approval, such as an Air Operator's Certificate, is issued to confer the privilege to do so.

It is important that we apply these regulatory tools correctly and consistently. We should not apply more onerous ones where a lesser one would suitably mitigate the associated risks, or provide an adequate value of certainty or quality. In general, the minimum regulatory provisions should be used, and should not be duplicated in different areas of regulation unless it is absolutely necessary to do so. Particularly for GA, it is also important that tools are not deployed when their marginal safety benefit is not in proportion to the increased cost of compliance.

The design of regulatory tools is also important to ensure they are effective for both regulator and GA community. For example we are open to the idea of greater use of privileges and regulatory functions for individuals, particularly at the lighter end of GA.

In the case of organisational or personnel approval, it is important that the privileges conferred are appropriate to the level of competence demonstrated, and that having been granted an approval, the appropriate freedoms are allowed. We would appreciate feedback on where organisations could be given more discretion and flexibility to manage their own risks, perhaps with less specific requirements for compliance.

As an overarching aim of our approach to GA, we wish to generally allow activity to take place with minimal involvement from us. As a result, we would like to build a greater culture of responsible decision making in aviation stakeholders. This may mean more safety judgements are made on the basis of individual risk assessments, rather than simply based on whether or not an action is permitted by the regulations.

As our approach matures, it may be possible in some cases for the GA community to take on more risk management tasks. This could mean effectively self-regulating, while we retain the power to intervene should it become necessary on the grounds of safety.

We aim to follow these principles consistently to ensure the coherence of the safety management that is built on the ANO.

Question 2:

- Are we correctly deploying our regulatory tools? Please answer yes or no. If necessary, please give examples why.

Question 3:

- Do you have any ideas for how regulatory functions could be discharged in a more effective manner for the GA community? Please give examples.

Question 4:

- Are there any areas of GA activity in which industry could take further responsibility for risk management? Please answer yes or no. If yes, please give examples.

Delegation

We would like to increase our delegations in the regulation of GA. Currently the most common model for delegation allows us to approve people to supply reports. In practice this means that certificates and licenses, such as Permits to Fly or NPPLs, may be issued by us on the basis of a recommendation from other organisations. We would like to investigate expanding this, including approving organisations to issue documents themselves, or being able to delegate regulatory tasks to approved individuals or organisations. Specific candidates for this policy are highlighted later in the *Key change proposals* chapter; although we would be interested in hearing about any suggestions you may have in this area in general.

Question 5:

- Could more regulatory functions be delegated to industry? Please answer yes or no. If yes, please give examples.

New regulatory enablers

It is important that we consider what activities should be permitted on a risk-based, outcome-focused, basis and ensure the regulations enable those activities to take place. For example, historically aircraft that did not hold a Certificate of Airworthiness, and were not eligible to be flown under an AOC, could not be used for flights in which valuable consideration was given for the carriage of a passenger. But we identified some circumstances in which if the participants were suitably informed of the risks, it should be allowed.

Sometimes a new space in the regulatory framework needs to be created to allow a particular activity or concept to develop. An example of this would be the proposed 'Experimental' conditions, which is being consulted on separately, to allow a considerably easier process of prototype development for smaller GA aircraft. Our development of future regulatory platforms for commercial space planes also demonstrates that emerging concepts often require this consideration, to ensure they are suitably enabled within the regulatory framework.

As GA changes and evolves, the underlying regulations need to be further refined to reflect changes in technology and methods of operating. We must ensure the ANO provisions can reflect that evolution.

Question 6:

- Are there any new enabling provisions for particular activities that should be adopted, to be reflected in a future ANO? Please answer yes or no. If yes, please give examples.

By setting out our principles of the review, which are built on those adopted for the regulation of GA and the GA Policy Framework, we hope the conceptual basis of the review has been clearly articulated. When reviewing the proposals in the consultation, we ask that you consider whether or not we have been true to them.

Question 7:

- Do you believe that we have adopted the correct principles for our levels of regulatory intervention in GA? Please answer yes or no. If necessary, please give examples why.

Construction of the regulations

Simplicity and accuracy

It is often difficult to produce very simple regulations that achieve the correct granularity and cater for all possible scenarios. For example the ANO's current definitions of aerial work and public transport cover a very wide range of operational scenarios. The risk associated with broad definitions is that higher standards, relevant to the activities towards one extreme of a definition, are imposed on other activities that involve participants requiring less regulatory protection.

In order to avoid this, there are many instances in which we have specifically excluded certain types of operation from the requirements of the definition they fall within. Parachuting is an example of this; it technically meets the UK definition of public transport, however because we determined it is not necessary for parachuting operations to comply with public transport requirements, an exception in the form of an additional article in the ANO was made to reflect this. This approach has the effect of regulation being more permissive, but also more complex.

We also recognise that often aviation regulations attempt a much greater degree of granularity than is necessary, which results in complexity that is irrelevant to achieving better safety outcomes. For example, applying different requirements to operational circumstances that are only slightly different might appear to be a sensible way to raise safety standards in a targeted manner. However if taken too far, confusion can be caused and the rules lose relevance and efficacy as a result.

In order to limit the problem, it is important that activities with common characteristics are grouped together under the same regulatory frameworks as much as possible, so that common requirements may be applied as far as possible to all.

Question 8:

- Are there any particular areas of regulation, particularly in the ANO, which could be simplified, while continuing to have the same effect? Please answer yes or no. If necessary, please give examples.

Interlink and compatibility with European regulation

GA encompasses a wide variety of aircraft, many of which are non-EASA and operate outside of the EU framework of regulation. However much of GA is within the scope of EU regulation, and therefore there is the potential for significant confusion when similar activities exist within different regulatory frameworks.

We believe that there is a significant benefit in terms of simplicity, in aligning the regulatory frameworks of EASA and non-EASA aircraft and activities. The key proposal in this area is that of the alignment of ANO operational definitions with those that EASA uses.

To achieve this, we are considering having two separate ANOs. One would apply to aircraft and activities that fall within the scope of EU regulation, and would contain the minimum provisions necessary to make them enforceable in UK law (and therefore in practice would not need to be referred to). The second would contain the same substantive requirements, but for everything outside of EU scope. As far as possible the structure used by EU regulations would be reflected into the ANO for non-EASA aircraft.

Less prescription

We intend to place less detail in the new ANO, and leave much of how to meet its requirements in guidance material. This would enable us to describe the regulatory intention in a more accessible manner, rather than be bound by the requirements of legal drafting. For example, it would be easier to explain the interactions of the different regulatory requirements, such as the ANO and the Rules of the Air, in a single publication.

One of the key proposals of this approach is that of a 'Skyway Code', which could contain practical guidance on safe GA flying, including highlighting key rules and regulations. One of the advantages of using this approach is that relevant regulations from different pieces of legislation can be extracted and placed together where they are most relevant. Further detail on this is contained within the flight operations section of the consultation.

Question 9:

- Are we taking the correct approach to the construction of the future ANO and the associated regulatory material? Please answer yes or no. If no, please explain what approach should be taken.

Key change proposals

Flight operations

This was the largest area of the review. Although a large proportion of GA aircraft now fall under EU regulation, there is still a large non-EASA fleet that will likely be regulated nationally for the foreseeable future. Consideration for the relationship between the two regulatory frameworks was one of the key themes for consideration. There are also a number of areas of activity not covered by EU regulation, and we have explored the options around these where appropriate.

Operational definitions and requirements

Articles 259-270

As it currently stands, the operations rules in the ANO are built around three definitions of flights:

- Private;
- Aerial work, which generally includes flights for which valuable consideration is given for them to take place, but do not constitute public transport – for example flight training or aerial survey and photography; or
- Public transport, which includes flights for which valuable consideration is given for the carriage of passengers or cargo.

However, with further implementation of the EASA Air Operations Regulation in August 2016, all flights involving EASA aircraft will fall under the applicable operations definitions and their associated requirements. Non-EASA aircraft will still be bound by the ANO.

EASA has divided these into:

- **Part-NCO**; for non-complex aircraft flying on a non-commercial basis. This also includes rules for aircraft flying non-commercial specialised operations, such as glider towing (Part-NCO SPEC). This includes most light GA activity, including flying instruction;
- **Part-NCC**; for complex aircraft flying on a non-commercial basis. For example business jets not operated by an AOC holder would normally fall within this.
- **Part-SPO**; for aircraft conducting commercial specialised operations, for example crop spraying or parachute dropping. This also includes complex aircraft doing non-commercial specialised operations; and
- **Part-CAT**; for aircraft transporting goods or passengers for hire and reward, operating in accordance with an AOC.