

General Aviation ANO Review

Final public consultation



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Introduction

In May of this year we concluded a consultation on a wide range of proposals for the further reform of General Aviation (GA) regulation in the UK. The proposals were a result of a root and branch review of those elements of the Air Navigation Order (ANO) 2009 which could impact on GA type activities or organisations. They primarily consisted of changes to the ANO, which would form a better legal basis for our more proportionate regulation of GA.

The principles by which the review was conducted built on those of the GA Policy Framework and those adopted for the regulation of GA, as set out in the [CAA's response to the GA Red Tape Challenge in October 2013](#).

This second and final consultation contains the detailed proposals for how the requirements under the revised ANO will be framed, and how we intended them to interact with the policy they will underpin. After the consultation is closed, drafting of the revised ANO will start in November, and it will come into force in August 2016.

This document is additionally supported by a comment response document (CRD) which contains summaries of the responses to the [thematic consultation](#) (Annex A) and detailed drafting instructions for the revised ANO (Annex B). The drafting instructions reflect the current status of the proposals; they will be further revised as a result of feedback from this consultation. Respondents who commented on the first consultation with regard to specific issues may wish to review Annex A first, to understand how we have responded to the comments, before reviewing the detailed proposals.

There is also a consultation impact assessment (Annex C). We would welcome feedback on the figures included in it, and to what extent the financial benefits discussed within it reflect likely savings for the GA community.

How to respond

Responses to this consultation should be sent to gaconsultations@caa.co.uk by 4th November 2015.

There is also a Survey Monkey response tool at: www.surveymonkey.com/s/CAAGA

The Survey Monkey tool provides specific questions on key elements of the consultation we would like feedback on. If replying by email, please state which section you are responding to and if possible, state whether you agree or disagree with the relevant proposal.

Since there are many subject areas covered, we expect respondents may only wish to reply with regard to specific ones. This is more than welcome.

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. However, 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 <http://www.caa.co.uk/CAP393>

We often refer to European regulations in the consultation, particularly the EASA Air Operations Regulations. The primary aspect of interest to GA is Part-NCO (non-commercial operations with other-than-complex-motor-powered aircraft). These are contained in the consolidated version of [Commission Regulation \(EU\) 965/2012](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012R0965).

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

The future ANO

In addition to the GA ANO Review, we are taking the opportunity to implement structural changes to the ANO, to rationalise it and further accommodate the extension of the regulatory scope of European aviation regulation. While these changes are separate from the GA Review, it is helpful to consider them in the same context, and how they contribute to the future shape of the ANO overall. Currently we envisage a two-phase approach:

August 2016:

- The amendments proposed as part of the GA review will be implemented to deliver on the specific changes that were proposed in the first consultation;
- The definitions of 'private' and 'aerial work' will be replaced with 'non-commercial' and 'commercial' to align with the EASA terminology;
- EASA aircraft flying non-commercially will no longer be under the operational requirements of the ANO, and the relevant articles of the ANO will be disapplied to those aircraft as they will comply with EASA's Part-NCO or NCC instead; and
- Where desirable, text similar to that of the EASA regulations will be used in place of the current ANO 2009 wording. This will mean that while the regulation of EASA and non-EASA aircraft will continue to have separate legal underpinnings, the substantive operational requirements will be very similar.

April 2017:

- EASA aircraft flying on 'specialised operations' will no longer be subject to the operational requirements of the ANO. The relevant articles of the ANO will be disapplied to those aircraft as they must comply with EASA's Part-SPO (if commercial or complex) or NCO.SPEC (if non-commercial);
- The term 'public transport' will be removed and the ANO will fully adopt the EASA taxonomy of 'commercial' and 'non-commercial', 'specialised operation' and 'commercial air transport'; and
- The ANO will continue to regulate:
 - Non-EASA aircraft, other than historic and ex-military aircraft conducting commercial air transport (they are required to comply with Part-CAT);
 - The operation of some EASA aircraft, such as gliders and balloons, for which operational rulemaking is still underway at EASA and will not be completed until at least 2018; and
 - Non-military state aircraft, such as police aviation.

Detailed changes to the ANO

In this section the specific proposals for change will be detailed by their relevant subject area. We will also explain, as far as possible, how we believe individual proposals will fit into the overall revised structure of the ANO. The *Skyway Code*, as a guide to safe GA flying and the practical understanding of the regulations relevant to GA, will also be developed in time for August 2016 to assist GA pilots in understanding the future requirements.

For each section, please state whether you agree or disagree with the particular proposal and add any comments you feel necessary, either via email or online through the Survey Monkey tool.

Where appropriate, proposals have been assessed under the GA Policy Framework, which highlights where there may be associated risks to uninvolved third parties. More information on the results of the assessments for individual proposals is available on request.

In some places, we highlight where feedback on the benefits that stakeholders feel may be associated with particular proposals would be particularly appreciated.

New definitions and regulatory classifications

Under the current ANO, many of the applicable regulatory requirements depend upon whether a flight is classified as public transport, aerial work or private. This is normally determined by the circumstances of the flight and what payment is given in connection with it. Identifying the status of a particular flight (and therefore what requirements apply) can be quite difficult and is often cited as an area of confusion for the GA community.

Private flights generally attract the lowest level of regulation. A flight classified as aerial work is normally a flight where some form of payment is made by one of the parties involved in connection with the flight, but does not involve the carriage of passengers. Remunerated flight instruction is probably the most common example of this. There are normally a few additional requirements associated with aerial work, for example the aircraft would normally require a certificate of airworthiness rather than a permit to fly (unless exempted). Public transport, which involves the carriage of passengers in return for payment, attracts the highest requirements and usually requires an air operator's certificate (AOC).

In some circumstances, a flight might be 'deemed' to be a particular classification for the purposes of one or more parts of the ANO, even if it does not necessarily meet the definition of that classification. For example self-fly hire is currently deemed public transport for the purposes of airworthiness, and therefore requires a certificate of airworthiness and some other additional requirements. But that does not alter the fact that

for operational and flight crew licensing purposes, a private pilot paying to hire an aircraft is usually regarded as a private flight.

As set out in the introduction, the operational definitions in the ANO will change after August 2016, to resemble those used in EASA regulation. We intend to create a situation in which the operational classification of a flight, as dictated by circumstance, purpose and payment given, is always the same, whether done under national or EASA regulation.

This will involve the replacement of the UK terminology as follows:

Current UK ANO term	Future ANO term	Date
Private	Non-commercial	August 2016
Aerial work	Commercial	August 2016
Public transport	Commercial air transport	April 2017

Non-commercial will be approximately equivalent to private, commercial to aerial work, and commercial air transport to public transport. For example, similar to aerial work, commercial would refer to a scenario in which the basic definition of a commercial operation was met, but was not a commercial air transport flight. The term commercial air transport is used in the current ANO, however after April 2017, it will also replace all current references to public transport as well.

The EASA terms, being set out in European law, are subject to less literal, more purposive interpretation than is traditionally applied to UK legal provisions. For example, public transport as defined by the ANO has long been taken to include almost any operation in which payment is given and anyone other than the flight crew is also carried. Even if they were in fact onboard to perform a function associated with the flight, for example operating survey equipment, they would still be considered a passenger for the purposes of the ANO. In adopting the term 'commercial air transport' we will continue to apply a purposive interpretation, so that it will generally apply only to what might be considered mainstream commercial carriage of passengers.

The [EASA Basic Regulation](#) defines commercial operation as:

'Commercial operation' shall mean any operation of an aircraft, in return for remuneration or other valuable consideration, which is available to the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator.

Commercial air transport is defined by the [EASA Air Operations Regulation](#):

'Commercial air transport (CAT) operation' means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration.

We propose to adopt these definitions in the ANO and take interpretations that align with those for EASA aircraft. It is important to note that for EASA aircraft, it is the EASA regulations, and not the ANO, that set the operational classification and applicable requirements. However, as the UK's competent authority for European aviation safety regulation, we have to adopt reasonable interpretations of the EASA regulations for different scenarios, sometimes in consultation with EASA and the European Commission. Combined with aligning the ANO classifications (which define the requirements for non-EASA aircraft) with those interpretations of the European ones, we hope to achieve our overall aim of consistency in this area between the EASA and non-EASA fleets.

Alignment of the classifications does not necessarily mean that the applicable regulatory requirements will always be the same between EASA and non-EASA aircraft. They will be where desirable for the purposes of clarity, however where an EASA requirement appears to be disproportionate, we will not apply a similar one to non-EASA aircraft through the ANO.

Another definition that will be introduced into the ANO in 2016 is that of the 'complex-motor-powered aircraft' and 'other-than-complex-motor-powered aircraft'. These terms are in the EASA Basic Regulation, and are frequently used to apply different regulatory requirements accordingly. We will use them in the revised ANO where it is desirable to be consistent with EASA regulations.

An aircraft is considered complex if it meets any of the following characteristics:

Aeroplanes:

- maximum certificated take-off mass exceeding 5700kg; or
- certificated for a maximum seating configuration of more than nineteen; or
- certificated for operation with a minimum crew of at least two pilots; or
- equipped with a turbojet engine or more than one turboprop engine¹.

Helicopters:

- a maximum certificated take-off mass exceeding 3175kg; or
- certificated for a maximum seating configuration of more than nine; or
- certificated for operation with a minimum crew of at least two pilots.

Aeroplanes or helicopters not meeting any of the above criteria, as well as sailplanes and balloons, are considered 'other-than-complex-motor-powered aircraft'. Most common GA types are therefore 'other-than-complex'.

In the EASA regulations, complex aircraft flying non-commercially must comply with Part-NCC after August 2016, and other-than-complex aircraft comply with the lesser requirements of Part-NCO. Under the revised ANO, we are not planning to implement an

¹ Discussions are currently ongoing as to whether to exclude multiengine turboprop aeroplanes 5700kgs or below from the definition of 'complex'

equivalent to Part-NCC for non-EASA aircraft; however there will be some places (for example equipage) where complex aircraft may have some increased requirements.

In this consultation, we set out how we believe these definitions will interact with different scenarios commonly encountered in GA flying and therefore what classification common types of flight would likely be considered. Please note this is for illustration only; individual flights should always be considered depending on the precise circumstances and what payment is given.

Cost sharing

Under the current ANO, private pilots have long been able to cost share with up to three other occupants of the aircraft in the course of their normal private flying activities. This is framed as an alleviation from the fact that normally receiving some sort of payment in connection with a flight would make the operation aerial work or public transport.

The EASA Regulations allow cost sharing by up to six people, including the pilot, in other-than-complex aircraft. We have issued an exemption which extends the ANO provision to reflect the EASA one for non-EASA aircraft, since we believe it to be beneficial to the GA community. This will be incorporated in the new ANO so that the terms and conditions of cost sharing are the same for EASA and non-EASA aircraft.

Charity flights

A charity flight is a common scenario in which someone other than the operator or pilot of the aircraft is receiving payment in connection with a flight. A third party, in this case a registered charity, takes payment from someone, usually in the context of a fundraising exercise. The person may then receive a flight in an aircraft in return. So in a sense, payment has been made in connection with the flight.

However we believe that assuming the operator involved is completely independent of the charity taking the payment, and does not itself receive any of it in connection with the flight, it remains non-commercial. We recently issued some [guidance](#) under the current ANO, which for non-EASA aircraft deems a charity flight to be private (non-commercial in future terminology). We believe a reasonable interpretation of the EASA regulations suggests this scenario should also be considered non-commercial for EASA aircraft.

Clubs, non-profit organisations and introductory flights²

When EASA developed the Air Operations Regulation, as well as making provision for cost sharing, it also made provision for a number of other types of flight to comply with non-commercial rules (Part-NCO) and be conducted by private pilots. This included 'introductory flights', parachuting dropping and sailplane towing, when operated by either approved training organisations (ATOs) or organisations created with the aim of promoting

² [More details on this are contained in IN-2015/029](#)

aerial sport or leisure aviation. This was even if the flights might, strictly speaking, meet the EASA definition of a commercial operation.

This alleviation was aimed at organisations such as gliding or aero clubs that have not-for-profit status and exist to serve the activities of their members and encourage new people into the sport.

We intend to reflect this same position in the ANO for non-EASA aircraft. For EASA aircraft, the alleviation currently applies for the purposes of operational and licensing regulations. Alleviations will likely be introduced for airworthiness under [Part-M Light](#) in the future.

For the non-EASA regime under the ANO, we have considered whether such not-for-profit organisations should also be allowed to comply with the private (non-commercial) rules for airworthiness purposes as well. This is relevant to issues such as glider towing with permit to fly aeroplanes, an operation that currently must be done by exemption, since it is captured by the current aerial work definition.

We believe there is merit in adopting the approach of deeming flights operated by such not-for-profit organisations to be considered non-commercial for all regulatory purposes. This would be a consistent approach to risk management across different regulatory domains and consistent with the principle that GA activity should be considered non-commercial where appropriate.

Remuneration in privately owned aircraft

Under the current ANO, a flight is aerial work if, for example, a pilot or instructor is paid to fly an aircraft. This is because a payment has been made in connection with the flight.

An exception is included in the current ANO such that if the *only* payment in connection with the flight is made in this manner, it is still private for airworthiness and equipage purposes. This means the owner of an aircraft may pay an instructor to instruct them in it and it will still be considered a private flight.

However if the aircraft is group owned, and a payment is made to both the instructor and to a central fund for the cost of the aircraft, it is not covered by the exclusion and therefore constitutes aerial work. A number of exemptions have been issued over the years to alleviate this situation, but they were only ever applied for owners who already held a licence, and therefore excluded ab initio training. This led to the historic situation in which a sole owner learning to fly in their own permit aircraft is considered a private operation, but if it is joint-owned it is considered aerial work and therefore not permitted.

We believe a much simpler approach would be to define all such flights as non-commercial; so for example, a group aircraft in which one of the owners was receiving instruction would only ever have to meet the airworthiness standards applicable to a non-commercial flight. This would include scenarios in which the training was taken place under the auspices of an RTF or ATO, assuming the owners retained effective control over

the aircraft and were the only recipients of the training in the aircraft. This would allow members of a group to learn to fly in an aircraft meeting non-commercial airworthiness requirements.

Flight training on a commercial basis

Where a flight training establishment, operating as a business, is offering training to the public we believe that this constitutes a commercial operation under the definition adopted, and therefore will attract the applicable requirements. Operationally this will be of little consequence, since all flight training flights may already comply with Part-NCO or NCC as applicable. This will also be reflected in the ANO for non-EASA aircraft conducting the same operations.

However it would still be a commercial operation for airworthiness purposes and therefore attract the applicable requirements. For example the range of permit aircraft that may be used might be restricted (more detail on this subject area can be found in the Airworthiness section further on) and some maintenance actions that are optional under non-commercial rules, might become mandatory.

We have noted that the latest [EASA NPA 2015-08](#) on Part-M Light refers to applicability in terms of aircraft that may comply with Part-NCO, as opposed to whether the operation is commercial or non-commercial. This was done for clarity; by referencing the applicable operational annex, this effectively ties together alleviations for operational and airworthiness requirements. For example, this would mean that any aircraft used for flight training, regardless of whether it was a commercial operation or not, could comply with Part-M Light by virtue of it being able to comply with Part-NCO.

In future, it may be appropriate to more fully align with this approach of defining operations that may comply with non-commercial operational rules, as non-commercial for airworthiness purposes as well. This will be considered as the EASA rule structure in this area further develops.

Self-fly hire

Under the current ANO, when a pilot hires an aircraft for self-fly hire; it is deemed to be public transport for airworthiness purposes. This means that the aircraft must be maintained to a higher standard than if it were private, and normally have a certificate of airworthiness. It also means that a permit aircraft cannot be hired, since it is prohibited from flying for public transport, although we do allow type-approved microlights and gyroplanes to be hired on a permit by exemption. This potentially restricts the range of aircraft available.

The principle here is that if a customer goes to their local flying club to hire an aircraft, they will not be in a position to make a judgement about its airworthiness, and would reasonably expect the club to provide an aircraft in airworthy condition. However, the act of hiring an aircraft does not appear to meet the EASA definition of a 'commercial operation'

that we propose to adopt. This would mean that self-fly hire would be non-commercial for all purposes, including airworthiness.

For EASA aircraft with a certificate of airworthiness the issue has limited relevance since the EASA regulations set the applicable requirements dependent on the particular operation. It is of more relevance to non-EASA aircraft, particularly ones with a permit to fly.

In light of our new approach to GA, we are considering what approach to take to this issue. It may be appropriate to retain additional airworthiness requirements for self-fly hire over and above that of non-commercial flights.

However we are minded to consider self-fly hire as non-commercial and simply rely on the obligation on the purveyor of the aircraft hire to ensure it is airworthy, regardless of what airworthiness certification it holds. This would be a simple approach, and widen the variety of aircraft available for GA pilots to hire. It would place more of an onus on individual pilots to assess the airworthiness of the aircraft they were hiring, which would be consistent with our approach to allowing the GA community more opportunity to assess and control their own risk.

Safety Standards Acknowledgment and Consent (SSAC)

In 2014 we developed a [new policy](#) around the carriage of participants on air experience flights that are not flight training, nor within the scope of 'introductory flights'. This was aimed at allowing participants to take flights in aircraft of particular interest, for example a Spitfire, and allow the operators of such aircraft to accept payment for them. Flights of this nature do not constitute commercial air transport; however they would be captured by the current UK definition of public transport, since this is broader in scope. This would normally require a national air operator's certificate (AOC) and the aircraft to have a certificate of airworthiness.

However flights under SSAC operations may be allowed without an AOC or certificate of airworthiness, provided operators develop risk awareness material that explains to the participant that the risks involved with a particular flight may be higher than that for commercial air transport. On this basis, we have issued exemptions from the normal public transport requirements, dependent on the applicants meeting the conditions set down for SSAC flights.

In the future, we believe the most effective approach to allowing this sort of operation is to have SSAC as a discrete operational classification, with specific requirements tailored to the operational context. After the public transport definition is removed in April 2017, SSAC will effectively become its own classification within the ANO, with operations meeting the relevant characteristics only being permitted in accordance with a permission from the CAA.

Flight operations

As described in the introduction, the primary thrust of the flight operations proposals is one of clarity and building a better legal basis for the future regulation of GA. Alongside this, we have considered a number of specific issues that have been raised by the GA community in the past, and have proposed some modest reforms in areas such as operating in the service of the police, non-scheduled commercial air transport operations into unlicensed aerodromes and a few other areas of note. We would particularly like the feedback of stakeholders on the proposed equipage requirements under the revised ANO.

Permission to operate in the service of the police

(Article 13)

This will be amended to allow us to issue a permission to operate in the service of the police, without holding a police air operator's certificate (PAOC). We will be engaging with the relevant stakeholders to work towards issuing such a permission in due course. We will need to consider the issues associated with this, particularly how to ensure the safety of third parties on the ground. This proposal has also been assessed under the GA Policy Framework, to highlight any possible issues in this regard. This will help us draw up the terms and conditions of a possible future operating permission.

It is important to understand this proposal is only the amendment to the ANO to allow a permission to be issued. It will not allow these operations to take place until we are satisfied they will be conducted safely and have issued the permission.

Instrumentation and equipage requirements

(Articles 37, 39, Schedules 4 and 5)

We would particularly welcome stakeholder feedback on equipage requirements.

For aircraft flying either commercially or non-commercially, but not public transport aircraft, the current requirements in Schedules 4 and 5 will be replaced with equipage requirements based on EASA's Part-NCO, with some minor additions for more complex non-EASA aircraft. The requirements in Schedules 4 and 5 will be preserved for public transport flights until April 2017, after which they will be deleted. This strategy is proposed to bring overall clarity to equipage requirements, regardless of whether they apply to EASA or non-EASA aircraft.

However we do not wish to apply requirements based on Part-NCO to non-EASA aircraft that are not supported by a strong safety case, such as the requirement to carry an emergency locator beacon (ELT). In cases where NCO is more onerous than the current ANO, the requirement is likely to be omitted.

There will be a grandfathering provision to ensure no aircraft currently flying must be re-equipped as a result of changes to the ANO proposed here. Aircraft compliant for equipage purposes with the ANO 2009 will be compliant with the ANO in August 2016, although that does not preclude new requirements being introduced in the future. Such a

grandfathering provision would apply if an aircraft first received a civil type certificate or national permit to fly prior to August 2016.

Please note this only applies to non-EASA aircraft, since for EASA aircraft Part-NCO has already been published, and can only be amended through the EASA rulemaking process.

Essentially the proposed structure will apply as follows:

- Aeroplanes, helicopters and gyroplanes will comply with requirements based on NCO.IDE.A/H. Gyroplanes will be treated the same as helicopters, as they are under the current ANO;
- Glider requirements will be removed; and
- Balloons do not have equipage requirements in the current ANO, any requirements for public or commercial air transport with balloons is contained in [CAP 611](#) for balloon AOC holders. This situation will be maintained.

We decided to remove the requirements for gliders since they are very limited for private flights under the current ANO as far as instrumentation and equipage are concerned. Radio and airspace requirements will still apply however, whether through the ANO or the requirements of the [Standardised European Rules of the Air \(SERA\)](#).

Full details of the equipage requirements of Part-NCO (NCO.IDE) can be found in the consolidated version of the [Air Operations Regulation](#). These cover lights, survival equipment, seatbelts, oxygen, and other requirements as appropriate. The instrumentation equipage requirements are specifically set out below for feedback, although respondents are encouraged to give feedback on any of the relevant requirements, not just instrumentation.

Instrumentation requirements

Aeroplanes:

Day VFR flight:

- Magnetic heading;
- Time in hours, minutes and seconds³;
- Pressure altitude;
- Indicated airspeed; and
- Mach number (if applicable).

³ A wristwatch with these functions would suffice

Night VFR or conditions under which the aircraft cannot be controlled without reference to one or more additional instruments:

- Turn and slip indicator or turn co-ordinator;
 - Vertical speed;
 - Stabilised heading; and
 - Means of indicating whether the source of gyroscopic power is adequate or not
- Additionally, in conditions under which control cannot be maintained without reference to one or more additional instruments (above those required for day VMC); a pitot heater is also required.

Flight under IFR:

- Magnetic heading;
- Time in hours, minutes and seconds⁴;
- Pressure altitude;
- Indicated airspeed;
- Vertical speed;
- Turn and slip;
- Attitude;
- Stabilised heading;
- Outside air temperature;
- Mach number (if applicable);
- Means of displaying power to the gyro instruments; and
- Pitot heater.

Helicopters and gyroplanes:

Day VMC:

- As per aeroplanes except a slip indicator is also required.

Night VMC:

- As per aeroplanes (slip indicator is already carried for Day VMC).

IFR:

- As per aeroplanes except a standby attitude indicator is also required.

⁴ A wristwatch with these functions would suffice

Radio Navigation Equipage

(Article 39)

As a general principle, rather than have requirements for specific pieces of radio navigation equipment in Schedule 5 of the ANO, we will adopt the EASA approach of simply requiring aircraft to be equipped so as to be able to communicate by radio as required, and in accordance with any applicable airspace requirements such as transponders or performance based navigation (PBN) specifications. These will be notified in the UK Aeronautical Information Publication (AIP) as is currently the case and apply to all aircraft unless stated otherwise.

This will incorporate the approach as implemented by exemption [ORS4 1085](#).

Minimum equipment requirements

(Article 41)

We will adopt the text of NCO.GEN.155. This is not a substantive change from the current ANO, and does not impose any requirement to have a minimum equipment list (MEL). Under this provision operators may notify the CAA of an MEL; although we believe it unlikely that this will be relevant to most non-EASA aircraft.

Essential operational regulations

(Articles 86, 87, 88, 92, 93, 109, 110, 112, 113, 114, 116, 119)

These articles relate to rules regarding the responsibilities the pilot is under for the safety of a flight, the demonstration of the use of safety equipment, aerodrome operating minima and other regulations relating to the operation of the aircraft itself. Generally speaking the current operational rules will be replaced with the text of Part-NCO. There are no substantive changes associated with this, it is just that the EASA structure is different and sometimes rules are expressed in a slightly different manner. More detail is available in the detailed drafting instructions, but essentially this is proposed so that the text is recognisable between the EASA and non-EASA regimes. It is also in this area that the supplementary guidance of the *Skyway Code* will be most relevant.

Specialised Operations – Towing, dropping, parachuting and flying displays

(Articles 126, 128, 129, 130, 131, 162)

EASA classes this subject area as ‘specialised operations’. This includes the towing of gliders and other objects, the dropping of objects from aircraft, including objects or substances for the purposes of agriculture, and the dropping of parachutists. Aircraft participating in flying displays are also included. The scope of EASA’s specialised operations regulation is potentially larger than that, but those are the key activities that are regulated under the current ANO. At the moment they are addressed as subject areas by separate articles.

These articles will remain unchanged until April 2017 and continue to apply to both EASA and non-EASA aircraft, since the relevant EASA rules do not come into force in the UK until then. As part of their implementation we will consider later in 2016 how to best revise the current ANO approach so that the requirements for EASA and non-EASA aircraft engaged in these activities remain aligned in a proportionate manner.

At the moment our intention is to replace articles 126, 128, 129, 131 and other similar articles with a provision resembling NCO.SPEC in April 2017, once all aspects of the EASA operations rules for specialised operations have entered into force. This will allow alignment of legal provisions for EASA and non-EASA aircraft engaged in specialised operations.

We believe the approach reflected in NCO.SPEC correctly places the onus on the pilot in command to assess the specific risks involved and mitigate accordingly. It will also allow the ANO text which addresses specialised operations to be considerably shorter. Supplementary guidance will also be included in the *Skyway Code*.

In the case of dropping objects under article 129, we intend to introduce a minor amendment for August 2016 to allow a general permission to be issued for the dropping of small objects in low altitude, low risk scenarios, without the need for individual approval.

In the case of parachuting, no decision has been made with regard to the extent to which we will continue to regulate parachuting itself, as opposed to the aircraft and airspace involved, after April 2017. This will be addressed in the future.

The regulation of flying displays under the ANO is currently subject to a separate review and we are committed to ensuring flying displays in the UK have a regulatory regime that provides for the effective assessment and mitigation of third party risk. We will consider the relationship with the relevant EASA regulations in the future.

Flight time limitations for GA operations

(Articles 144 and 147)

These articles will be amended so that non-commercial flying activities are not subject to flight time limitations (FTL). Instead there will be a general requirement for the pilot not to fly fatigued. This will apply to all other-than-complex aircraft, rather than aircraft 1600kgs MTOW or below as is currently the case.

Unlike other amendments, this would apply to both EASA and non-EASA aircraft, since FTL for operations other than commercial air transport are still at the discretion of member states. EASA are planning the introduction of FTL for aircraft operating under Part-NCC, and in advance of that expect member states to retain national regulation for complex EASA aircraft.

Complex aircraft are also much more likely to be professionally flown, even on non-commercial operations. In circumstances involving professional crew, we believe it is appropriate to retain FTL.

During the first consultation, the issue of what off duty flying (whether commercial or not) should could towards an airline's FTL scheme was also discussed. Since this is now under EASA's competence, we do not have direct power to alter the requirements in this area; however we remain supportive of excluding flying outside of the airline environment.

Commercial air transport and flight training flights at unlicensed aerodromes

(Articles 207, 208, 208A)

We propose to amend the ANO to allow the following operations at unlicensed aerodromes:

- Flight training with aeroplanes up to 5700kgs MTOW; and
- Operation of non-scheduled, A – B public or commercial air transport with aeroplanes up to 5700kgs MTOW.

This is a raise from the current upper limit of 2730kgs MTOW. There are currently 385 aeroplanes on the UK register that fall between the two weights, with 126 of them being flown under an AOC and therefore affected by the second aspect of the proposal.

In the case of flight training, article 208A already requires that a pilot should only fly into an unlicensed aerodrome if they believe that the aerodrome is safe for the flight. We believe that the obligation on the pilot in command or operator to judge the safety of the aerodrome they propose to use, whether or not that aerodrome is licensed, is a preferable way to address safety on a case by case basis.

With commercial air transport flights, operators are already required by the EASA Air Operations Regulation to use only suitable operating sites or aerodromes, and have procedures in their operations manuals to determine the suitability of such aerodromes. We invite comment on the adequacy of relying on those requirements.

In advance of any such change coming in August 2016, we will also ensure the relevant operators take account of it in their procedures for establishing aerodrome adequacy.

We did consider removing the requirement to operate from a licensed aerodrome entirely. This would have placed total reliance on the provisions of the EASA operations regulations. However, we considered it appropriate to limit the scope at this stage, so that any oversight enhancements required would be manageable and to assess the effects.

Operators wishing to apply for an exemption to carry out scheduled flights from unlicensed aerodromes may continue to do so, and these will be judged by the local need and safety case.

From the point of view of operators of unlicensed aerodromes, it should be noted that planning restrictions may limit the number, size and type of aircraft movements permitted in a given period.

Aerial work with aircraft registered outside the EEA

(Article 225)

This will be amended to only require permission when an aircraft registered outside of the European Economic Area (EEA) is used for a commercial operation in the UK. This will continue to capture any aerial survey or photography if conducted commercially. If not conducted commercially, we see no reason to retain the requirement for a permission. The common scenario in which the owner of a non-EEA registered aircraft pays an instructor for flight training in their aircraft will not be considered a commercial operation.

In advance of April 2017, we will consider what the appropriate provision for the commercial use of non-EEA registered aircraft should be. For operators that are resident within the EU, all aircraft, regardless of registration must be operated in accordance with EASA operations and licensing rules from April 2016 anyway. Therefore it may be more logical to change the permission requirement to cover operators that are not resident in the EU, regardless of the registration of the aircraft itself.

Free balloons, kites and launch cables

(Articles 163, 164)

We are interested in feedback from stakeholders as to whether it would be appropriate to raise the height limit above which a permission is required to operate a kite, tethered balloon or launch cable from 60 metres to 120 metres, or possibly to an intermediate height of 90 metres (300ft). This would align with other heights in the ANO, such as the maximum to which a small unmanned aircraft may be flown.

The requirements relating to the permission for the launch of free balloons may be already be provide for under SERA, so they could be transferred to a permission under the authority of that regulation, rather than the ANO.

Mooring of airships

(Article 165)

These provisions will be simplified in the revised ANO with better drafting. We are minded to remove the distinction between small and large airships, but possibly retain some restriction on mooring close to congested areas.

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Flight crew licensing

The theme of alignment with EASA where desirable is continues here. While many GA pilots now fly on EASA licences anyway, we still wish to ensure that the national licensing system remains fit for purpose and therefore would particularly welcome feedback on the proposals.

We believe that this will bring clarity to an often confusing area and allow holders of current NPPL and legacy UK (non-EASA) ICAO licences to exercise some of the new privileges granted to EASA licence holders, such as the ability to conduct 'introductory flights' and the increased scope of cost sharing.

As a separate proposal, the ANO will include provision for a new CPL (Gyroplanes), the syllabus for which is currently under development. The outcome of the consultation of [PPL medical standards](#) will also be reflected in the revised ANO as required.

Schedule 7 of the ANO, which covers flight crew licensing, will be also be redrafted to make it clearer and easier to understand.

Alignment with EASA FCL privileges

(Schedule 7, Part A)

As a matter of general policy and where desirable, UK licences granted under the ANO shall have the same privileges as their EASA equivalents:

- All references to private and aerial work will be replaced with non-commercial and commercial. Public transport will be deleted in April 2017;
- All UK PPL and NPPL licence holders will have the same privileges to conduct flights as described in the derogations to the EASA Air Operations Regulation, such as cost sharing and introductory flights, which are currently permitted by exemption [ORS4 1097](#) to the ANO;
- The visibility minima will be aligned with those of EASA licences, meaning that all UK PPL and NPPL licences may fly under VFR and SVFR in accordance with SERA;
- In line with the above, the visibility minima required for takeoff and landing for an IMC rating holder or a UK CPL (A) with embedded IMC rating privileges will be 1500m as opposed to the current 1800m. This is consistent with 1500m being the lowest possible in flight visibility for an aircraft operating under VFR;
- The IMC rating and UK CPL (A) with equivalent privileges will be revised such that the only restriction in addition to the above will be that they may not fly in class A airspace under IFR. The references to class B and C airspace will be

removed since there is no class B airspace in the UK and class C only commences above FL195, so is unlikely to be frequented by IMC rating holders. The authorisation for the equivalent rating for EASA aircraft, the IR(R), will also be updated; and

- References to the 'club environment' will be deleted since this is not a term used by EASA. UK PPL holders with an instructor rating will be able to receive remuneration for instruction regardless of whether in the club environment or not, as will NPPL holders who hold the privilege to instruct on microlights.

Maintenance of aircraft ratings

(Articles 66, 67, 68, 69 and Schedule 7, Part C)

These articles relate to the maintenance of privileges for the various ratings in Schedule 7 of the ANO. We propose to rationalise the different provisions for maintaining validity of ratings, so as to only have a certificate of revalidation. In general, this will not alter the requirements for the revalidation itself. For the applicable ratings, the concept of revalidating either by experience or proficiency check will still remain. The terminology of 'certificate of test' or 'certificate of experience' will disappear from the ANO. It will also regularise a few inconsistencies in the format of revalidation requirements, such as the exemption [ORS4 946](#), which aligned UK gyroplane rating revalidation requirements with those of Part-FCL.

Flight instructor ratings

(Schedule 7, Part B)

We propose to rationalise the distinction between 'Flying instructor' ratings and 'Flight instructor' ratings, including the distinction between Assistant Flying Instructor (AFI) and Flight Instructor (Restricted) FI(R). To align with the EASA approach, we will adopt separate instructor ratings that pertain to the relevant category of aircraft that the privilege to instruct on is held.

The revised ratings will include:

- Flight Instructor (Aeroplane)
- Flight Instructor (Helicopter)
- Flight Instructor (Microlight)
- Flight Instructor (Gyroplane)
- Flight Instructor (SLMG)

It should be noted that the FI (A), provided they hold an SEP rating on their licence and have conducted the appropriate differences training, would have the privilege to teach on microlights, as described in the proposal for the SEP class rating further on. The proposed

FI (M) would be a rating for instructing on microlights, but could be attached to an NPPL, PPL or higher if the holder only wished to instruct on microlight aeroplanes.

The current requirements for revalidation or renewal would remain unchanged; however we propose to move the validity period to 36 months for all instructor ratings, in line with Part-FCL. This would be an increase in validity from 13 months for the current AFI and 25 months for the FI. This would primarily be relevant for those who currently hold AFI or FI ratings to teach on microlights or SLMGs.

The UK PPL (A) and SEP rating

We have considered how to simplify the issue of cross-crediting experience flown between microlight aeroplanes and aeroplanes above the microlight weight category. The proposed approach is to clearly define a single engine piston aeroplane (SEP) as including microlights. Aeroplanes within that definition that represent natural 'variants' – such as having different control systems, would require differences training. This would be similar to requiring differences training for a tailwheel aircraft.

The major change being proposed is that once the differences training is completed, any aircraft within the SEP class, regardless of variant, may be used to maintain the validity of the SEP rating. We would welcome feedback on to what extent stakeholders would take advantage of this alleviation.

It should be noted that other ICAO member states may not accept time on microlight aeroplanes towards the maintenance of existing ratings or the grant of additional ones on an ICAO licence, so licence holders should be aware of this if wishing to fly abroad.

For this proposal we have only considered the UK PPL or higher. The NPPL would retain its current system of class rating revalidation and the associated cross credits. While we may be able to amend the definition of the Simple Single Engine Aeroplane (SSEA) rating for the NPPL (A) to reflect a similar effect, the current NPPL ratings specifically exclude each other, and if multiple ratings are held (for example microlight and SSEA), there is already a cross crediting system in place for the revalidation of the different ratings. However we are open to further examining this issue in the future, as part of a wider review of the NPPL (A) system, and would welcome feedback on whether stakeholders would find such a revision beneficial.

The National Private Pilot's Licence (NPPL)

(Schedule 7, Part A, Section 3 and Part B, Sections 2 & 3)

We propose to allow NPPL (A) and (H) holders to fly at night if they hold the appropriate rating, subject to a colour blindness test as required for an EASA LAPL holder flying at night. We also propose to allow NPPL holders to add an IMC rating; subject to the medical requirements as determined by the way forward established after the consultation on [PPL medical requirements](#).

We are also considering raising the permitted weight that may be flown with an NPPL to align with either:

- 2730kgs; or
- The EASA definition of other-than-complex motor powered aircraft. This would allow flight in aeroplanes up to 5700kgs that are not turbojet aircraft.

Delegating the issue of NPPL

(Article 64)

We propose to amend the ANO to allow the approval of organisations to issue the NPPL on behalf of the CAA, as opposed to the current situation in which we receive a recommendation from an organisation, and then issue the licence or rating ourselves. Further delegation is a strategic objective of the CAA's GA Programme and this proposal will require further objective criteria to be developed to approve organisations to gain this privilege.

Use of third country licences in non-EASA aircraft

(Article 62)

We propose to amend this so that for non-EASA aircraft, the holder of a foreign non-EASA pilot license may exercise the full privileges of their licence on UK registered aircraft, with the exception that they may not fly for the purpose of public or commercial air transport. Since this would be limited to non-EASA aircraft, it will likely be of low impact, and therefore in accordance with the general principle that provisions in the ANO should only put in place where they are required in order to uphold an acceptable degree of safety.

This would not allow the holder of a foreign instructor rating to teach for a UK licence or rating. However, it would allow such an instructor to teach for a licence or rating of the same state as their instructor rating, and do so in a UK registered aircraft. It must be emphasised this change only applies to non-EASA aircraft, since in order to fly an EASA aircraft, a Part-FCL licence or equivalent validation must be held.

We would be particularly interested in feedback as to whether stakeholders would find this alleviation beneficial.

Airworthiness

The most important aspect of the proposals in this section relate to widening the scope of permitted operations by aircraft that do not hold an ICAO certificate of airworthiness, particularly flight training. A proposal for the increased use of the ‘Special Category’ certificate of airworthiness is also included in the same context.

In addition to this, some minor amendments and alignments for maintenance procedures are proposed for non-EASA aircraft that hold a national certificate of airworthiness. As discussed in the first consultation, we also intend to implement provisions for non-EASA aircraft that are equivalent to the alleviations for EASA aircraft under [Part-M Light](#), as they develop.

All the proposals in this section relate solely to aircraft outside of the scope of the EASA system. They do not apply to new, series produced, aircraft that may fly on EASA permits or restricted certificates of airworthiness, since the permitted operational uses of these aircraft are set by the EASA regulations, not the ANO.

Delegation of the issue of national permits to fly

(Article 21)

As discussed in the first consultation, we propose to allow approved organisations the privilege to issue permits to fly. We will look at different mechanisms for doing so, including the A8-26 framework. Fundamentally though, the organisations would be approved in accordance with objective criteria, and we would still reserve the right to suspend or revoke all national permits to fly, regardless of who they were issued by.

Use of permit aircraft for commercial operations

(Article 23)

Article 23 is of considerable importance for the future policy on the operations that permit to fly aircraft may conduct. The key paragraphs of the article have been grouped together by theme. This consultation covers all paragraphs, except (6), which is purely a definitional provision for the meaning of ‘day’.

Paragraphs (1), (3) and (5) – operational uses of permit aircraft:

- Paragraph (1) essentially prohibits aerial work and public transport on any permit aircraft, with the exception of flying displays;
- Aerial work that is flight training within a “club environment” may be allowed with the permission of the CAA under paragraph (3); and
- Paragraph (5) requires the permission of the CAA for flight at night or in IMC.

We have considered the future of article 23 in the context of the general issue of permit aircraft being used more extensively for commercial operations. The most significant area of policy work is the greater use of permit aircraft for flight training on a commercial basis.

Policy development to date, implemented through a combination of permissions and exemptions against article 23, has reached the following point:

- Any permit aircraft may be used for training within a club environment, provided the recipient of the training already holds a licence;
- The sole or joint owners of a permit to fly aircraft may pay an instructor to instruct them in their own aircraft, provided the recipient of the training already holds a licence;
- Sole owners of permit aircraft may pay an instructor to instruct them in their own aircraft, regardless of whether they hold a licence or not – so ab initio training is possible; and
- Type approved microlights and gyroplanes may be used for all flight training in a club environment, including ab initio.

Historically policy has developed in terms of two criteria when considering what permit aircraft types may be used in what circumstances:

- Whether or not the recipient of the training holds a licence; and
- The ownership status of the aircraft.

The rationale being that if someone holds a licence, or owns the aircraft, they might reasonably be expected to understand that there may be increased risks associated with the operation of an aircraft that meets a lower level of airworthiness assurance, than if it held a certificate of airworthiness. We believe that it is consistent with the principle that the level of regulatory protection should depend on the relevant stakeholder's ability to assess and control risk.

Over time, some complexity and inconsistency has crept into the principles of that approach, so in order to rationalise and liberalise the situation under a future article 23, we propose the following policy:

A permit aircraft may not fly:

- For purposes of commercial air transport;
- On a commercial operation without the permission of the CAA; and
- At night or in IMC without the permission of the CAA.

The specific references to flight training and the club environment will be removed from the ANO, since we do not believe they give us the required flexibility to deploy the greatest range of future policy in this area. The only absolute prohibition will be on commercial air transport; since we do not envisage normally allowing this on permit aircraft (operations in accordance with a permission for SSAC are not commercial air transport). However, we do see the potential for greater use of permit aircraft on commercial operations other than commercial air transport – for example the types of activities previously covered by the definition of aerial work, and therefore seek to give ourselves as much flexibility as possible in this regard.

We mostly envisage the use of general permissions, rather than individual ones, to discharge standardised policy in this area – for example the use of general permissions to set the scope of permitted flight training, which can then be adapted as experience is gained in this area.

In terms of how we intend to set out policy under the revised article 23, our initial general permission would incorporate the following approach:

Initial airworthiness status

- All permit aircraft may be used for any flight training if the recipient of the training holds a licence, regardless of the ownership status of the aircraft;
- All permit aircraft may be used for any flight training if the recipient of the training is a sole or joint owner of the aircraft and is paying an instructor to teach them on their aircraft;
- Ab initio flight training provided in a manner that meets the definition of a commercial operation, may be permitted with permit aircraft which:
 - o Are type approved; or
 - o Formerly held a Certificate of Airworthiness and are still in conformity to the associated type design.
- All permit aircraft may be used for self-fly hire.

We believe that the above is a more logical approach to the issue than the current situation.

The only distinction drawn is when:

- The recipient of the training is the customer of a flight school;
- An aircraft provided by the school is being used; and
- The recipient does not hold a licence.

In the above case we would like feedback on whether it is appropriate to allow, for example, amateur constructed aircraft to be used, since there is some evidence to suggest they suffer a higher rate of technical malfunctions and may not have been built in accordance with a design code that would ensure benign handling characteristics. This would be consistent with the principle that those who are less informed of the risks should be offered greater regulatory protection.

However on the other hand, we also considered whether this restriction was necessary, and whether it might be an unnecessary complexity. An alternative approach would be to have no legal prohibition on the use of permit aircraft for any flight training. This would leave it to the sector and market to determine which aircraft are suitable to be used.

As a supplementary proposal we will also consider increasing the scope of aircraft that may be submitted for the type approval process. Currently we would normally only entertain applications for type approval for factory built microlights or gyroplanes, precluding other aircraft from obtaining that status. However this could be expanded to

allow submission of any aircraft for type approval, regardless of who constructed it. This would have to be limited to types that are not in scope of the EASA Basic Regulation.

Continuing airworthiness and maintenance requirements

Having proposed a risk-based approach in terms of initial airworthiness standards, we would also like to consider continuing airworthiness and maintenance requirements. For type approved microlights that are currently used for flight training on a commercial basis, it is generally a condition of their exemption that the aircraft is maintained in accordance with the relevant recommendations of the manufacturer. This is to prevent the long term running of components 'on condition', which may not be appropriate for aircraft with a typical flight training utilisation profile. It may be appropriate to impose this requirement on all permit microlights used for flight training and/or self-fly hire, or the current requirements could be maintained insofar it is effectively only a requirement for aircraft used for ab initio training.

For permit aircraft other than microlights, it is generally a requirement that the aircraft is maintained in accordance with the relevant BCAR A3-7 continuing airworthiness and maintenance requirements. In view of this, the arrangements are probably already robust enough, without the need to impose additional requirements for flight training and self-fly hire.

For design issues, although the permit system is generally more reactive than that for aircraft with a certificate of airworthiness, due to the simple nature of most of the aircraft involved, we do not feel the need to impose type support arrangements on such aircraft.

We would be interested in feedback on whether the current continuing airworthiness and maintenance arrangements for GA permit aircraft are robust enough to support more permit aircraft being used for flight training on a commercial basis.

The provision in article 23 will also allow the CAA to issue permissions for other commercial activity with permit aircraft, not just flight training, since the current reference to flight training in article 23 will be removed. The detailed policy around this would follow on from the ANO changes. Potentially this could allow permit aircraft to be used for a range of commercial (but not commercial air transport) operations that might include typical aerial application work suitable for light aircraft. Larger aircraft will be addressed by the proposed changes to the existing 'Special Category' certificate of airworthiness, described further on.

Paragraph (2) – Permission to carry more than minimum crew on flying displays

This requires that no persons in addition to the minimum flight crew may be carried during flights for the purpose of display or demonstrated flying. We are not proposing to remove the requirement at this stage. However it will be moved to a more appropriate location in the ANO.

Paragraph (4) – Warning placard requirements

This requires that a permit to fly aircraft must have a placard affixed to the aircraft in view of the occupants that states that *“This aircraft has not been certificated to an International Requirement”*.

Previously an exemption was issued to allow an alternative placard to be used in ex-military aircraft that gave a clearer statement of the legal status of permit aircraft:

“THIS AIRCRAFT HAS NOT BEEN SHOWN TO COMPLY WITH CIVIL SAFETY STANDARDS FOR COMMERCIAL PASSENGER FLIGHTS. IT IS ILLEGAL TO CARRY PASSENGERS ON THIS AIRCRAFT IN EXCHANGE FOR MONEY, GOODS OR SERVICES. COST SHARING IS PERMITTED.”

While the intention of the statement is to assist members of the public in understanding the legal status of permit aircraft, considering the general policy direction to allow more permit aircraft to be flown on a commercial basis, whether for flight training or under SSAC, we believe it is no longer appropriate to affix such a statement to aircraft that may now be legally operated commercially in some circumstances.

Special Category certificate of airworthiness

(Schedule 2, Part B)

We believe it appropriate that aircraft of a more complex airworthiness nature should be addressed by separate terminology to distinguish them from simple permit aircraft. The certificate will also include the privilege to be used commercially but not for commercial air transport. This is intended to enable commercial use of certain types of aircraft, where compliance with ICAO Annex 8 requirements is considered impracticable.

Summary table of proposed permitted operations

Note – these proposals only apply to aircraft that do not hold an ICAO compliant certificate of airworthiness and are outside the scope of EASA Basic Regulation – so for example it does not relate to aircraft on EASA permits to fly or restricted certificates of airworthiness.

Aircraft	Certificate	Permitted operations	Approvals for night or IMC and modifications for specific tasks, such as towing, issued in accordance with the relevant requirements.
Complex and intermediate aircraft ⁵	Special Category	Commercial – for example specialised operational tasks	
Simple aircraft – ex-CoA and type approved	National Permit to Fly	Commercial – for example flight training	
Simple aircraft – amateur built	National Permit to Fly	Non-commercial use only	

⁵ For this purpose, the definitions used are those of the British Civil Airworthiness Requirements (BCARs), rather than the EASA Basic Regulation. The BCARs define these terms as:

- **Simple:** single piston engine types;
- **Intermediate:** multiple piston engine or turbine (single or multiple) engine types with simple mechanical flying controls or with powered controls having an independent back-up system that can enable continued safe flight following failure of the powered system; and
- **Complex:** all other types, including those having features that require specialised knowledge and/or equipment to maintain, aircraft without independent back-up systems for powered flying controls or having automatic stabilisation systems or electronic engine controls.

Other airworthiness procedures for non-EASA aircraft

Requirement for a certificate of release to service (CRS)

(Articles 28, 29)

In light of our general policy to expand the Special Category certificate of airworthiness, these articles will be amended to align the requirements for a CRS with those for an aircraft with a national certificate of airworthiness. We believe that for maintenance purposes aircraft of equivalent complexity should require a CRS to be issued, regardless of whether they are on a national or Special Category certificate of airworthiness.

Pilot-owner maintenance

(Part 4 – Air Navigation (General) Regulations 2006)

This issue relates to non-EASA aircraft on a national certificate of airworthiness. It is not directly relevant to non-EASA aircraft on a national permit to fly since they are dealt with by separate provisions within the permit system.

The ‘prescribed tasks’ referenced in paragraphs (2) and (3) of article 29 refer to tasks specified in *The Air Navigation (General) Regulations 2006 – Part 4* (which can be found in Section 3 of [CAP 393](#)), which are those that may be performed by a pilot-owner and do not require a (CRS) to be issued on completion. While it is quite a long list, it is a prescriptive one, and if a task is not prescribed, it may not be completed by the pilot-owner, unless it is signed off by an appropriately qualified aircraft engineer.

The EASA approach to pilot-owner maintenance in Part-M (specifically M.A.803 *Pilot-owner authorisation*) is slightly different. Rather than listing specifically identified tasks, it uses the model of generic criteria for establishing whether a task is permitted to be conducted by a pilot owner or not – for example if it requires the use of special tools, requires the removal of major components or is critical to the airworthiness of the aircraft, it is not permitted. Some acceptable means of compliance is published alongside Part-M to clarify which tasks are likely to meet the generic criteria. We believe this may be a more flexible approach. Part-M however does require the scope of the pilot-owner maintenance to be specified in the maintenance programme for a particular aircraft.

The advantages of both approaches could be captured by adopting the Part-M approach, but retaining the contents of *The Air Navigation (General) Regulations 2006 – Part 4* as guidance material. This would allow items that were appropriate for pilot owners to be added to individual maintenance programmes provided they met the generic criteria set out. The guidance material for pilot owner maintenance could also be amended more easily than if it were in regulation.

We considered whether to align with the EASA approach and require the pilot owner to sign the CRS for pilot owner tasks, but would welcome feedback as to whether this would be worthwhile to change from the current situation, where the pilot owner is simply required to record the work accomplished in the relevant aircraft logbooks.

Contents of a CRS

(Article 30)

We intend to align this with Part-M, M.A.801 (f). This will not result in any substantive change in requirements. It will simply mean that a similar form as that for EASA aircraft will be used instead of the current one.

Who may issue a CRS

(Article 31)

If we adopt the approach of requiring a pilot-owner to issue a CRS after a pilot-owner task has been completed, it will be necessary to amend this article to reflect that. We also propose to omit the provision for an ATPL (A) or navigator licence holder to issue a CRS after the adjustment and compensation of the direct reading compass, since we believe this provision is rarely used.

Maintenance logbooks

(Article 34)

This article and schedule 6 will be aligned with Part-M, M.A.305 for logbooks and logbook entries. The requirement for logbooks applicable to aircraft 2730kgs MTOW and below to be approved by the CAA will be removed.

Weight schedule

(Article 35)

This will be aligned with NCO.POL.105 for certificate of airworthiness aircraft in line with our general approach to adopt similar text and requirements to that of EASA where it is helpful and proportionate to do so. There is no substantive change in requirement as a result. We also propose to include a legal requirement under the ANO for an aircraft flying on a national permit to fly to have a weight schedule. This would be for consistency; we do not believe that it would impose any additional burdens, since all aircraft will likely have one anyway.

Use of 'A conditions' for permit aircraft

(Schedule 2, Part A, Section 1)

This will be revised to allow aircraft holding a national permit to fly to be flown in accordance with 'A conditions' for the same purposes for which aircraft on a national certificate of airworthiness are permitted. This will reduce the number of occasions where a permit to fly for ferry needs to be issued by the CAA. The revised approach is intended to delegate the decision to allow an aircraft to fly for the purposes of maintenance or repair, to qualified engineering personnel.

Aircraft registration

(Articles 4, 5)

As discussed in the first consultation, the proposals for a more flexible approach regarding who may own a UK registered aircraft will be adopted and supported by appropriate policy for determining a suitable connection to the UK.

The amendments bring a more flexible approach to ownership of UK registered aircraft, by allowing previously 'unqualified' persons to own UK registered aircraft, and use them for commercial (but not commercial air transport) purposes.

Overall the intention is to increase the number of UK registered aircraft, and enable us to have better oversight of them. This approach would also ease the current situation in which aircraft that are currently on the UK register change ownership and the use of the aircraft may suddenly be restricted or the registration voided automatically.

We would be particularly interested in feedback on any potential benefits of this proposal.

Appendix A: Operational classifications

The current ANO 2009 defines 'private', 'aerial work' and 'public transport' as follows:

Article 255 Interpretation

'Private flight' means a flight which is not an aerial work flight, a public transport flight or a flight for the purpose of commercial air transport;

Article 259 Meaning of aerial work

- (1) Subject to paragraph (2) and Part 34, aerial work means any purpose, other than commercial air transport or public transport, for which an aircraft is flown if valuable consideration is given or promised for the flight or the purpose of the flight.
- (2) If the only such valuable consideration consists of remuneration for the services of the pilot the flight is deemed to be a private flight for the purposes of Part 3 and Part 4.
- (3) Aerial work consists of instruction or testing in a club environment if it consists of the giving of instruction in flying or the conducting of flying tests for the purposes of this Order in an aircraft owned by, operated by or operated under arrangements entered into by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

Article 260 Meaning of public transport

- (1) For the purposes of this Order and subject to Part 34, an aircraft in flight is flying on a public transport flight if:
 - (a) it is an A to A commercial air transport helicopter operation; or
 - (b) the conditions specified in paragraph (2) are satisfied.
- (2) The conditions referred to in paragraph (1) are:
 - (a) the flight is not a flight for the purpose of commercial air transport; and
 - (b) (i) valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight; or
 - (ii) the flight is operated by the holder of a national air operator's certificate, an EU-OPS air operator certificate or a Part-CAT air operator certificate and any passengers or cargo are carried gratuitously in the aircraft except for persons specified in paragraph (3) or cargo specified in paragraph (4).
- (3) The persons referred to in paragraph (2)(b)(ii) are persons in the employment of the operator (including, in the case of a body corporate, its directors), or persons authorised by the CAA either making any inspection or witnessing any training, practice or test for the purposes of this Order, EU-OPS or the EASA Air Operations Regulation.

- (4) The cargo referred to in paragraph (2)(b)(ii) is cargo intended to be used by any persons specified in paragraph (3) or by the operator.

[Regulation \(EC\) No 216/2008](#), the EASA Basic Regulation, defines 'commercial operation' as:

'Commercial operation' shall mean any operation of an aircraft, in return for remuneration or other valuable consideration, which is available to the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator.

[Commission Regulation \(EU\) No 965/2012](#), the EASA Air Operations Regulation, defines 'commercial air transport' as:

'Commercial air transport (CAT) operation' means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration.

Annex A: Comment response document (CRD)

In total there were just over 300 written comments on the [first consultation](#) which ran between March and May 2015, about 280 of which were made online via the Survey Monkey tool. The rest were by letter or email, including detailed comments from most of the major GA stakeholder organisations. Generally the comments were considered and helpful. A number of comments discussed issues that were not really within the scope of this review, but nonetheless efforts will be made to capture them as far as possible and ensure any issues relevant to the GA Programme are captured.

Provided here is a brief summary of the comments on each question with our response. Where a response relates to a specific proposal being taken forward, the reference to the relevant page in the main second consultation document is included at the bottom right hand side of the response.

1. Do the current regulations that apply to GA aim for the correct levels of safety? If necessary, please give examples why.		
Summary of comments		CAA response
Yes: 69	No: 75	
The comments were split roughly equally between yes and no.		We understand that from the perspective of many in the GA community, regulations often appear to aim for either unrealistic levels of safety, or appear to be irrelevant to the safety issues affecting GA.
Few of the written comments actually addressed the issue of the <i>level of safety</i> targeted, but those that did asserted that it was too high and that regulations aspired to the perfection of commercial air transport levels.		We believe that the principles of the GA Policy Framework are suitable to identify the correct level of safety that should be applied.
Most respondents made general statements about how prescriptive regulations were, or made reference to specific examples in which regulations appeared to be overly burdensome. At least one respondent gave the nature of medicals for private pilots being unnecessary.		When participants are knowledgeable or informed of the risks, and any risks to third parties can be appropriately mitigated, we will not expect the same level of safety outcomes in GA as for commercial air transport.
Some respondents argued that more		The future ANO should be realistic about

space should be allowed for personal risk judgements and common sense, rather than prescriptive rules. One respondent made the observation that very often the level of safety targeted in the context of individual regulations was appropriate, but taken overall they had a cumulative effect that was excessive and counterproductive to safety.	the safety outcomes that are targeted, and which will form the basis of risk based regulation of GA. Aspects of the ANO or policy in general that do not contribute towards safety will be identified and eliminated. Where international standards from EASA or ICAO appear to demand unnecessarily high levels of safety or apply requirements which are relatively ineffective, we will engage to have them revised and take steps to mitigate any disproportionate effects on UK GA stakeholders.
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2. Are we correctly deploying our regulatory tools?		
Summary of comments		CAA response
Yes: 53	No: 70	
The vast majority of the written comments pointed to the perceived complexity and prescription of the regulatory system. Some respondents suggested that we focus too much on issues that are of little importance to the strategic safety picture, for example the airworthiness of radio communication systems, and not enough on things of more overall safety value, such as safety culture development or a more effective GA occurrence reporting system. Another respondent noted that if the CAA is to approve individuals or organisations with certain regulatory powers, they should give them more freedom to exercise those powers without further CAA intervention.		The vast majority of the complexity in the aviation regulatory system is not defined by the ANO but in the policy that sits above it. In drawing up the new ANO we will create a legal basis for a simpler regulatory structure that will allow us to revise policy so that it is proportionate and relevant. In accordance with performance based regulation, we will ensure that our regulatory tools are deployed to the correct areas of risk. Where we are able to give more power to approved individuals or organisations, we will do so.

One specific example given, which does not relate to the ANO, but was suggested to demonstrate an incorrect use of a regulatory tool, was that of the skills test booking process for the IR. This was perceived to be an administrative process that was of low regulatory value, and could easily be simplified and achieve the same effect by simply having a notification system rather than a 'designation' process.

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

Summary of comments

CAA response

Yes: 77

No: 39

Most wanted simplifications of the regulations, both in terms of presentation and substance. Many also asked for further delegations to sporting organisations, BMAA, LAA etc, but did not specify any more detail than that.

In addition to that, many alluded to a general approach of allowing more freedom for approved organisations or persons to exercise their responsibilities without undue interference.

A few comments pointed towards concentrating on areas of low competence and/or knowledge and leaving the "well behaved" parts of GA to essentially self regulate.

One comment suggested that education should be more effectively used as a regulatory tool.

Several comments suggested that GA stakeholders should be asked to review publications such as Information Notices

We are committed to further delegation to industry bodies and allowing more freedom for approved individuals and organisations.

We are also broadly adopting the principle of allowing activity to take place with minimal intervention from us, while retaining the power to intervene when the risk indicates it is necessary to protect third parties.

(INs) prior to publication to determine whether they would likely be understood or not.

One respondent believed the CAA spent too much time briefing the public and politicians and not enough on primary tasks.

4. Are there any areas of GA activity in which industry could take further responsibility for risk management?

Summary of comments

CAA response

Yes: 65

No: 36

Most just commented on general areas such as airworthiness or flight training. The DA system for Flying Displays was mentioned a couple of times though as something where further responsibility could be taken.

Other areas cited included more discretion over airworthiness issues such as engine TBO extensions and quicker acceptance of new technology.

One comment suggested giving more power to approved persons to discharge regulatory functions such as issuing certificates of airworthiness or licences.

We wish to allow the GA community to take more responsibility for risk management, particularly through the mechanisms for delegation and designation or approval of organisations and individuals to exercise certain privileges or regulatory functions.

It is our intention to set out a more balanced approach to risk ownership, with both the CAA and the GA community taking responsibility for the safety outcomes achieved.

For the safety of uninvolved third parties and users of commercial air transport, the CAA will always bear the ultimately responsibility.