

General Aviation ANO Review

Final public consultation – Comment response document



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Introduction

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

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

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

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

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

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

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

Detailed changes to the ANO

New definitions and regulatory classifications

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

The following subjects were covered:

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

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

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

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

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

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

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

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

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

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