

Comment response document: Conducting paid-for initial pilot training in UK National Permit to Fly aeroplanes

CAP 1928

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Contents

Contents	3
Chapter 1	4
Executive Summary	4
Chapter 2	5
Purpose and overall background	5
Purpose of this document	5
Background	5
Chapter 3	7
Consultation Responses	7
We asked	7
You said	7
Key concerns and our response	9
We did	11
Chapter 4	12
Conclusion and Next Steps	12
Ex-CofA and Ex-Military aeroplanes	12
Next steps	13
Amateur built aeroplanes	13
APPENDIX A: Proposed safety mitigations detailed in consultation	14
APPENDIX B: Abbreviations	17
APPENDIX C: Working group stakeholder organisations	18

Chapter 1

Executive Summary

- 1.1 In keeping with our approach to make the regulation of General Aviation (GA) more proportionate, and as requested by the LAA, we launched a public consultation to propose extending paid-for initial (Ab initio) pilot training to be conducted using certain aeroplanes which operate on a UK national Permit to Fly (PtF). Furthermore, we proposed that this training can be undertaken by those pilots who are not registered owners of the aircraft. Currently, to undertake initial training in PtF aeroplanes, the student would need to be an owner or part-owner for this to be acceptable.
- 1.2 The consultation closed in February 2020 and resulted in 425 unique responses. The majority of responses (86%) agreed with the proposals. This document includes a summary of the responses received to the consultation questions, identifies the approach we plan to take and the next steps.
- 1.3 After an internal review of these proposals and the conclusion of the analysis of the consultation responses, we, and the collaborative stakeholder working group, were keen to progress. Therefore, we are planning to permit paid-for initial pilot training on ex CofA and ex-military aeroplanes (subject to assessment acceptability on a serial number and not type specific basis) as they are all factory-built aeroplanes and therefore conform to a uniform original build standard.
- 1.4 We believe that further discussion and in-depth analysis of the benefits, risks and impact of permitting paid-for initial pilot training on amateur built aeroplanes (for non-owners) is required before a conclusion can be determined at this time. The reason for this is we must satisfy ourselves that the safety mitigations needed for amateur built aeroplanes to be utilised in this way would result in an acceptable level of airworthiness assurance commensurate with that of an aeroplane operating on a Certificate of Airworthiness (CofA) within the current training fleet.
- 1.5 We believe that by permitting paid-for initial pilot training on serial number-specific ex-CofA and ex-military aeroplanes it will enable safety data to be captured and analysed. This will help determine if an acceptable level of safety can be established to allow the activity to continue on such aircraft on an enduring basis.

Chapter 2

Purpose and overall background

Purpose of this document

- 2.1 In January 2020, the CAA sought views on whether to extend paid-for initial (Ab initio) pilot training to allow it to be conducted using certain aeroplanes which operate on a UK national Permit to Fly (PtF) by those pilots who are not registered owners of the aircraft.
- 2.2 This paper explains how we have responded to your feedback to that consultation, and how we intend to progress this project. It is not seeking further views.

Background

- 2.3 These proposals were originally made by our stakeholders and were developed with a working group¹ comprising of key stakeholders from the sector.

Permit to Fly aeroplanes covered within the consultation are:

- a) Aircraft which have not been built by an approved aircraft manufacturer, such as amateur-built aeroplanes, including those that are kit-built.
 - b) Aircraft which no longer qualify for a Certificate of Airworthiness (CofA). This is usually because they have been 'orphaned'. This means the Type Certificate holder has withdrawn support for the aircraft type and surrendered the Type Certificate.
 - c) Aircraft which have not been designed and manufactured to specified civil standards, such as ex-military aeroplanes. This can be further defined as those with a maximum total authorised weight below 2730kg and a piston engine rating of less than 450hp.
- 2.4 An Amendment reference (EU) 2019/1747 to Commission Regulation (EU) 1178/2011 (Part-FCL) has been published and came into force on 11 November 2019. This amendment to Part-FCL provides the possibility to recognise training and experience on certain Annex I Aircraft for the purpose of obtaining a Part-FCL licence.
- 2.5 This factor and others were considered by the CAA. Four options were considered:

Option 1. To allow paid-for initial pilot training in amateur-built aeroplanes

Option 2. To allow paid-for initial pilot training in aeroplanes that have previously held a CofA

¹ A list of these representative organisations is set out in Appendix C

Option 3. To allow paid-for initial pilot training in aeroplanes that are ex-military who are not required to be operated in accordance with CAP632²

Option 4. No change to the existing regulatory framework

2.6 All four options and their associated risks and opportunities were considered. The key risks included:

- There is a risk that some aircraft with undesirable handling characteristics or construction could lead to an increase in accidents;
- There is a risk that the proposed safety mitigations are not proportionate when compared to the current airworthiness provisions within EASA Part ML for aeroplanes operating on a CofA used in an ATO/DTO environment.
- There is a risk that the liability of the original amateur builder is not considered in sufficient detail.
- There is a risk that student-informed consent may not be appropriately considered.
- There is a risk that the CAA cannot be assured that A8-26 organisation airworthiness inspectors meet the same competency standards (in terms of experience, knowledge and skills) when compared with the Licensed Aircraft Engineers (LAE) cadre employed on CofA maintenance activities.

2.7 The opportunities included:

- A potential reduction in flight training costs that may encourage more student pilots, thereby supporting a vibrant GA Sector;
- It would allow a wider choice of training platforms to flying schools;
- It could help to develop the market for newer and more affordable flight training platforms.
- It could enhance innovation and offer more STEM opportunities.

² CAP 632: Operation of 'Permit-to-Fly' ex-military aircraft on the UK register