

Miscellaneous

No: 1101

Air Navigation Order 2009

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General Exemption E 4041

Use of Type-Approved Gyroplanes for Self-Fly Hire, Including Instruction and Testing

- 1) The Civil Aviation Authority ('the CAA'), in exercise of its power under article 242 of the Air Navigation Order 2009 ('the Order'), exempts, subject to the conditions contained in paragraph 2, any gyroplane with a national permit to fly from the provisions of article 23(1)(b) of the Order.
- 2) This exemption only applies if:
 - a) the gyroplane is Type Approved;
 - b) the gyroplane is owned or operated under arrangements entered into with a flying club of which the owner of the gyroplane and the pilot using the gyroplane are both members;
 - c) no valuable consideration in respect of the flight or the purpose of the flight is given or promised other than:
 - i) valuable consideration given or promised by a pilot for the primary purpose of conferring on that pilot the right to fly the gyroplane on that flight; or
 - ii) the valuable consideration described in (i) above, coupled with valuable consideration given or promised for the purpose of obtaining instruction or testing to be conducted by that pilot in accordance with a permission granted under article 23(3) of the Order; and
 - d) the gyroplane owner has made the appropriate declaration as per Appendix C of the "Code of Practice for Gyroplane Hire".
- 3) In this exemption, a "Type Approved gyroplane" means a gyroplane which has been designed in accordance with BCAR Section T.
- 4) This exemption supersedes Official Record Series 4 No. 954, which is revoked.
- 5) This exemption has effect from the date it is signed until 28 April 2017, both dates inclusive, unless previously revoked.

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Explanatory Notes:

Self-Fly Hire

Where a pilot hires an aircraft to fly it himself or herself, that aircraft is required to be maintained to the highest practicable standards – public transport standards. This is because article 262 of the Air Navigation Order (ANO) 2009 deems such a flight to be public transport for airworthiness purposes.

An aircraft with a national permit to fly is prohibited from flying for the purpose of public transport by article 23(1)(b) of the ANO 2009.

These provisions have the effect of prohibiting an aircraft with a national permit to fly from being hired by a pilot for his or her own use – because it would be public transport for airworthiness purposes and the aircraft must not fly for public transport at all.

The attached exemption exempts a type approved gyroplane from these restrictions. Accordingly, a pilot may hire such a gyroplane for his or her own use, provided the conditions of the exemption are complied with. In particular, the gyroplane being hired must be owned or operated under arrangements entered into with a flying club of which the owner of the gyroplane and the pilot using the gyroplane are both members.

Instruction and Testing

An aircraft with a national permit to fly which has been hired in accordance with the attached exemption may be used for instruction and testing if it is conducted in a club environment with the permission of the CAA in accordance with article 23(3) of the ANO 2009.

A permission for type approved gyroplanes to be used for instruction and testing may be found on the permit granted for such a gyroplane.

Before using a type approved gyroplane for instruction or testing, the pilot should confirm that the permit does indeed include such a permission. If it does not, the pilot should contact CAA Shared Services Centre

A Club Environment

Article 259(3) of the ANO 2009 defines a club environment as meaning where an aircraft owned by, operated by or operated under arrangements entered into by a flying club of which both the instructor or examiner and student or examinee are members.

The Code of Practice for Gyroplane Hire

The 'Code of Practice for Gyroplane Hire' provides useful information and guidance material and represents best practice in support of this exemption. This includes

- Hirer to provide a briefing.
- Pilot to present licence, medical certificate and log book.
- Provision of documents for inspection by the pilot.
- Scheduled maintenance checks countersigned by a person authorised to issue a Permit Maintenance Release in accordance with BCAR A3-7.
- Revalidation to be carried out by an authorised Inspector and Check Pilot.
- Signed entry in aircraft log book re daily inspection before first flight.
- Specified equipment to be made available.