



Issued: 10 April 2015

## Cost-Sharing, Sailplane Towing, Parachute Dropping, Flying Competitions and Introductory Flights by Private Pilots

This Information Notice contains information that is for guidance and/or awareness.

Recipients are asked to ensure that this Information Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

<b>Applicability:</b>	
<b>Aerodromes:</b>	Not primarily affected
<b>Air Traffic:</b>	Not primarily affected
<b>Airspace:</b>	Not primarily affected
<b>Airworthiness:</b>	Not primarily affected
<b>Flight Operations:</b>	All AOC Holders and General Aviation Pilots
<b>Licensed/Unlicensed Personnel:</b>	All ATO and Registered Facilities and All Pilots

### 1 Introduction

- 1.1 This IN has been reissued to highlight the changes to the GA Community and to provide the additional guidance and FAQ list in sections 7 to 10. This IN, including the guidance and FAQ list is provided to help support individuals and organisations to take advantage of these less restrictive rules whilst remaining within the law.
- 1.2 This Information Notice supersedes Information Notice IN-2014/093.
- 1.3 Under the European Aviation Safety Agency (EASA) Regulations, a flight in respect of which payment changes hands becomes a commercial air transport operation (if the payment is to carry passengers) or a commercial specialised operation (if the payment is to carry out an airborne task). Under the Air Navigation Order 2009 ([ANO](#)) a similar position exists, but with different terminology:
  - public transport not commercial air transport, and
  - aerial work not commercial specialised operation.
- 1.4 Under both the EASA Regulations and the ANO, such flights, where payment has been made, are subject to a greater degree of regulation than private flights. For example, a commercial pilot licence is generally needed to fly an aircraft on such a flight.

- 1.5 The ANO has long contained exceptions to this general rule, so that some flights in respect of which payment is made are deemed to be private and thus subject only the requirements applicable to private flights. These exceptions are set out in Part 34 of the ANO (see [Guide](#) to these exceptions).
- 1.6 The EASA Air Operations Regulation was amended in 2014 to include some exceptions of its own, similar to some of the exceptions in the ANO. Two of these EASA exceptions go further than the ANO:
- the EASA exception allowing cost sharing permits up to 6 persons to share the cost with no minimum contribution and no restriction on advertising, and
  - an EASA exception allows introductory flights, described in more detail below.
- 1.7 The CAA has responded by issuing two general exemptions, so that:
- the ANO cost sharing exception now mirrors the EASA equivalent, and
  - introductory flights are also deemed to be private under the ANO.
- 1.8 The effect of all this is that a cost sharing flight and an introductory flight (in both cases which complies with the detailed conditions described below) may be flown by a private pilot and will be subject only to the operating and other requirements applicable to a private flight.

## 2 Scope

- 2.1 The scope of the provisions for these flights is limited to ‘**other-than-complex motor-powered aircraft**’ (as defined in [Regulation \(EC\) No. 216/2008](#)) being operated on one of the types of flight set out below:
- cost-sharing by private persons;
  - introductory flights, sailplane towing, parachute dropping and aerobatic flights, and
  - competition flights and flying displays.

## 3 Cost-Sharing by Private Persons

- 3.1 The maximum number of private persons who must share the direct costs (and only the direct costs) of the flight is increased from four to six (including the pilot), and the requirement for those costs to be shared equally and for the flight not to be published or advertised is removed.
- 3.2 The Guidance Material GM2 Article 6.4a(a);(b) of the Operations Regulation states that:
- ‘Direct cost’ means the cost directly incurred in relation to a flight, e.g. fuel, airfield charges, rental fee for an aircraft. There is no element of profit.’*
- 3.3 It should be noted that the sharing of annual costs is not permitted under this arrangement. The Guidance Material GM3 Article 6.4a(a);(b) of the Operations Regulation states that:
- ‘Annual cost’ means the cost of keeping, maintaining and operating the aircraft over a period of one calendar year. There is no element of profit.’*

## 4 Introductory Flights, Sailplane Towing, Parachute Dropping and Aerobatic Flights

- 4.1 The holder of an EASA PPL or LAPL, UK PPL or NPPL(A) that is valid for the aircraft to be used may act as Pilot in Command (PIC) on introductory flights, parachute dropping, sailplane towing or aerobatic flights performed either by a training organisation having its principal place of business in the UK and approved in accordance with Regulation (EU) No. 1178/2011 (i.e.

an Approved Training Organisation), or by an organisation created with the aim of promoting aerial sport or leisure aviation, on the condition that:

- the aircraft is operated by the organisation on the basis of ownership or dry lease;
- the flight does not generate profits distributed outside of the organisation, and
- whenever non-members of the organisation are involved, such flights represent only a marginal activity of the organisation.

4.2 The Guidance Material GM1 Article 6.4a(c) of the Operations Regulation states that:

*'An 'organisation created with the aim of promoting aerial sport or leisure aviation' means a non-profit organisation, established under applicable national law for the sole purpose of gathering persons sharing the same interest in general aviation to fly for pleasure or to conduct parachute jumping. The organisation should have aircraft available.'*

4.3 Article 2 of Regulation (EU) No. 965/2012, as amended by Regulation (EU) No. 379/2014, states that:

*'Introductory flight' means any flight against remuneration or other valuable consideration consisting of an air tour of short duration, offered by an approved training organisation or an organisation created with the aim of promoting aerial sport or leisure aviation, for the purpose of attracting new trainees or new members.'*

4.4 NCO.GEN.103 (Introductory flights) of the Operations Regulation states that the flights shall:

- (a) start and end at the same aerodrome or operating site, except for balloons and sailplanes;
- (b) be operated under VFR by day;
- (c) be overseen by a nominated person responsible for their safety, and
- (d) comply with any other conditions stipulated by the competent authority.

4.5 GM2 Article 6.4a(c) of the Operations Regulation states that:

*'The term 'marginal activity' should be understood as representing a very minor part of the overall activity of an organisation, mainly for the purpose of promoting itself or attracting new students or members. An organisation intending to offer such flights as regular business activity is not considered to meet the condition of marginal activity. Also, flights organised with the sole intent to generate income for the organisation are not considered to be a marginal activity.'*

4.6 The Guidance Material GM1 ARO.OPS.300 (Introductory flights) of the Operations Regulation states that:

*'For introductory flights carried out in the territory of the Member State, the competent authority may establish additional conditions such as defined area of the operation, time period during which such operations are to be conducted, safety risk assessments to be accomplished, aircraft to be used, specific operating procedures, notification requirements, maximum distance flown, pilot qualification, maximum number of passengers on-board, further restrictions on the maximum take-off mass.'*

4.7 The CAA has not imposed such conditions but instead recommends that operators apply their own conditions based on their assessment of the risk to the occupants of the aircraft. This should include:

- The experience and currency of the pilot particularly on the aircraft to be used and familiarity with its flight characteristics over the range of planned weight and CofG.
- The pilot's familiarity with proposed route(s), airspace, operational restrictions and emergency procedures.
- Weather minima to be observed, particularly visibility, cloudbase, wind strength and direction.
- Any other criteria which should be considered to achieve the objective of a safe and enjoyable introductory flight for the participant(s).

**Important Note:** The exemptions issued under the ANO for national licences and Annex II aircraft are not valid outside the airspace of the UK unless validated or otherwise accepted by the relevant authority of the State where the flight is to take place.

## 5 Competition Flights and Flying Displays

- 5.1 These new provisions brought into effect by the Air Operations and Aircrew Regulations include competition flights and flying displays. However, the effect on aircraft flying in the UK is inconsequential because the ANO already deems such flights to be private. As agreed with the stakeholder consultation group the permitted upper limit of any prize(s) awarded will remain as £500.

## 6 References

- 6.1 Consolidated versions of the Air Operations and Aircrew Regulations can be reviewed on the [EASA website](#). At the time of publication the amendments to the Regulations that bring about the changes referred to in this Information Notice are yet to be incorporated in to the consolidated versions. In the meantime the relevant amending regulations can be reviewed separately:
- [Commission Regulation \(EU\) No. 245/2014](#), amending Commission Regulation (EU) No. 1178/2011.
  - [Commission Regulation \(EU\) No. 379/2014](#), amending Commission Regulation (EU) No. 965/2012.
- 6.2 [Acceptable Means of Compliance and Guidance Material](#) is available on the EASA website:
- [AMC and GM to Regulation \(EU\) No. 965/2012](#).
  - [AMC and GM to Part-ARO](#).
- 6.3 The following General Exemptions have been issued, which have the effect of legally implementing this Information Notice:
- ORS4 No. 1097 **“Flights for the Purpose of Aerial Work Conducted by Holders of a UK Private Pilot's Licence or a National Private Pilot's Licence”** which has the effect of allowing PPL or NPPL (A) holders to conduct Introductory Flights, Sailplane Towing, Parachute Dropping and Aerobatics Flights.
  - ORS4 No. 1094 **“Sharing of the Direct Costs of a Flight by up to Six People”** is applicable to all types of aircraft.
  - ORS4 No. 1095 **“Introductory Flights, Parachute Dropping, Sailplane Towing and Aerobatic Flights”** has the effect of allowing these flights to be conducted under the European regulations as described in this IN. The exemption does not make any changes to the ANO airworthiness requirements.

## 7 Frequently Asked Questions and Guidance

- 7.1 The following guidance is provided to support individuals and organisation to take advantage of these less restrictive rules whilst remaining within the regulations. Nevertheless it remains the responsibility of the operator of the aircraft to satisfy themselves that they are complying with the regulations.
- 7.2 As a general rule, whenever an aircraft is flown for a purpose that is paid for by someone other than the pilot, the law assumes that the flight is for a commercial (or aerial work) purpose and it applies additional requirements on the pilot, the aircraft and its operation. However, not every scenario where money (or something of value) changes hands truly is a commercial operation that needs to be regulated more strictly. Cost-sharing between friends is a prime example. Therefore, the law makes some exceptions for these specific scenarios.
- 7.3 It is important to note that the regulatory changes referred to in this Information Notice **do not apply to 'Complex Motor-Powered Aircraft'** as defined by the EASA Basic Regulation ([www.easa.europa.eu/regulations](http://www.easa.europa.eu/regulations)).

## 8 Cost Sharing

- 8.1 The pilot in command or operator of the aircraft is normally responsible for paying for the costs incurred when operating an aircraft. However, if it is a private flight the direct costs can be shared between all the occupants of the aircraft. Direct cost is described as *'the cost directly incurred in relation to a flight, e.g. fuel, airfield charges, rental fee for an aircraft. There is no element of profit'*.
- 8.2 Who can share the costs?  
Any private individual on board the aircraft up to a maximum of six (including the pilot). It is up to the pilot in command to decide whether the passengers are private individuals or not bearing in mind that the intent of the law is to allow friends, relatives, colleagues, acquaintances etc. to fly together for mutual enjoyment and not to provide a transport service to members of the public.
- 8.3 How are these costs shared?  
It is for the occupants to decide between themselves what proportion they should each pay. There is no minimum or maximum amount specified by the law but the pilot must also pay something.
- 8.4 Can cost shared flights be advertised in advance?  
They can, however the advertisement should make clear that it is a cost-shared flight between private individuals (eg friends, relatives, colleagues, acquaintances etc) and should not in any way give the impression that it is a commercial flight.
- 8.5 Does Cost Sharing apply to my Annex II aircraft?  
Yes – cost sharing flights are allowed in non-complex motor powered Annex II aircraft. Remember Annex II aircraft can only be hired if they are on a UK Certificate of Airworthiness or on a type approved Permit to Fly.
- 8.6 Can I conduct a cost sharing flight in an EASA aircraft to another member state under these new regulations?  
Currently the changes only apply within the UK, so before leaving UK airspace pilots should be aware that other European States may not have implemented these changes yet. After August 2016, the changes should apply to EASA aircraft throughout the EU. For non-EASA aircraft the applicability will always be dependent on implementation by individual member states.

## 9 Introductory Flights

9.1 Flying schools and clubs have for many years offered guest members the opportunity to experience recreational flying and the UK regulatory system has treated these either as training flights or public transport. In many cases the distinction between a flying lesson and a pleasure flight was unclear.

9.2 A new regulatory mechanism has been introduced that fills the gap between a flying lesson and a public transport flight, allowing these flights to take place as if they are a private flight subject to certain limitations. These flights are referred to in law as 'introductory flights'.

### 9.3 What is an introductory flight?

The Regulation describes an introductory flight as 'any flight against remuneration or other valuable consideration consisting of an air tour of short duration, offered by an approved training organisation or an organisation created with the aim of promoting aerial sport or leisure aviation, for the purpose of attracting new trainees or new members.'

### 9.4 How long is a short duration?

This is for the aircraft operator to decide, bearing in mind that the purpose of the flight is to provide an introduction to the experience of flying in a light aircraft. Most introductory flights in aeroplanes and helicopters would generally be around 30-90 minutes duration depending on the aircraft type, the location and the purpose of the flight. The duration of glider flights may vary considerably depending on the weather conditions.

### 9.5 Who can fly the aircraft? Do they have to be an instructor?

Not necessarily. Flying instructors have skills and experience that makes them particularly well suited to carrying out introductory flights but in fact any suitably qualified pilot, including PPL, NPPL(A) and LAPL holders can fly the aircraft. Organisations are encouraged to establish their own criteria to determine the suitability of pilots to carry out the flights in conjunction with any other additional conditions described in paragraph 4.6 and 4.7.

### 9.6 Can the passenger operate the controls of the aircraft?

An introductory flight does not count towards the grant or issuance of a licence. If someone wishes to have a go at flying the aircraft they are advised to arrange a flying lesson at a Registered Training Facility or Approved Training Organisation.

### 9.7 Which organisations can conduct the flight?

In addition to Approved Training Organisations the regulation allows '*organisations created with the aim of promoting aerial sport or leisure aviation*' to conduct introductory flights on the condition that '*the aircraft is operated on the basis of ownership or dry lease, that the flight does not generate profits outside of the organisation and that whenever non-members of the organisation are involved, such flights represent only a marginal activity of the organisation*'. Therefore, provided it can meet the conditions described, any organisation set up with these aims may conduct the flight, including an Registered Training Facility.

### 9.8 What is meant by 'organisation created with the aim of promoting aerial sport or leisure aviation'?

EU law defines this as '*a **non-profit** organisation, established under applicable national law for the **sole purpose** of gathering persons sharing the same interest in general aviation to fly for pleasure or to conduct parachute jumping. The organisation should have aircraft available.*' Hence the organisation should have its own legal standing, its own financial accounts, and be able to demonstrate that it is operating for the sole purpose as above without generating profits outside the organisation.

### 9.9 What is a marginal activity?

A marginal activity is regarded as being minor, unimportant and not central. It would be for individual organisations to best define how this relates to their own business. Organisations wishing to offer introductory flights to non-members may wish to consider implementing a system to record which flights were introductory flights for non-members, so as to demonstrate, if asked, that such flights represent only a marginal activity. Clearly if it is to be a marginal activity it would not be acceptable for an organisation to only offer introductory flights.

9.10 Can the pilot be paid for conducting the flight?

None of the changes notified in this Notice affect the limitations of the pilot's licence so if the pilot holds a commercial licence then the pilot can be paid to conduct the flight. If the pilot holds a private licence (PPL, NPPL(A), LAPL) then the pilot is allowed to conduct the flight but cannot be paid.

9.11 Can I use a Permit to Fly Aircraft to conduct an Introductory Flight?

No - unless it is a Type Approved Permit to Fly aircraft such as a type approved microlight or type approved gyroplane. The new rules for Introductory Flights, Sailplane Towing, Parachute Dropping and Aerobatics Flights only apply to EASA aircraft. The Air Navigation Order (ANO) states that Permit to Fly aircraft can only be used for private flights, but introductory flights are not private flights.

9.12 Can I conduct an Introductory Flight to France?

No. Introductory Flights must start and end at the same aerodrome or operating site, except for balloons and sailplanes.

9.13 Can I conduct an Introductory Flight or Cost Sharing Flight in a non-UK registered aircraft?

For aircraft registered to EASA member states, introductory and cost sharing flights are allowed after August 2016. Prior to August 2016, other European states may not have implemented these changes so check with the relevant state of registry for your aircraft.

For aircraft registered outside the EASA member states, the operator must also comply with the relevant legislation for their state of registry.

9.14 What rules apply to my EASA aircraft as the Part-OPS rules are not yet in force?

For an EASA aircraft conducting a flight which would be a CAT flight but for Article 6(4a) of Regulation (EU) No. 965/2012 then the flights must comply with the equivalent ANO provisions for private flight until the Part-OPS regulations are in force. Article 6(4a) applies Annex VII but that is not yet in force in the UK.

## 10 **Glider towing and parachute dropping**

10.1 The majority of glider towing and parachute dropping in the UK is a non-commercial activity because it takes place within a club environment that does not provide a service to the public or to a customer under contract. Thus, such flights are operated as private flights and any appropriately experienced pilot, including PPL, NPPL and LAPL holders, can fly the aircraft. Organisations are recommended to put in place their own pilot training system and criteria for determining the suitability of individual pilots based on the skills and experience required and an assessment of the risks of any particular flight. The suggested additional conditions for introductory flights (see paragraphs 4.6 and 4.7) are equally relevant here. In the case of parachute dropping, BPA Parachute Training Organisations are governed by an existing training and qualification scheme outlined in their operations manual. Otherwise parachute flying requirements generally are covered in **CAP 660** (shortly to be revised).

10.2 How do I know if a flight is commercial?

European Regulation defines a commercial operation as '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'. It is for the aircraft operator (i.e. the pilot themselves or the relevant manager) to decide whether the flight comes within the scope of commercial operation or not. Where a service is being offered to the public rather than to a member of the club/organisation, the flight would undoubtedly be a commercial operation (see the next section).

### 10.3 What if the flight is a commercial operation?

A PPL, NPPL(A) or LAPL holder can still fly the aircraft but the organisation offering the flight must either be an Approved Training Organisation (i.e. an ATO approved in accordance with Regulation (EU) No. 1178/2011) or an organisation '*created with the aim of promoting aerial sport or leisure aviation*'. These are the same limitations as for an Introductory Flight so the guidance in section 9 also applies to parachute dropping and glider towing. If the organisation is unable to meet these conditions then the pilot must hold a commercial licence.

### 10.4 What if we use a complex motor-powered aircraft like an Islander or Twin Otter?

As explained in paragraph 7.3 the changes to the European Regulations do not apply to complex motor-powered aircraft. Therefore, if a complex motor-powered aircraft is used in a commercial operation the pilot must hold a commercial licence even if the aircraft is operated by an Approved Training Organisation or an '*Organisation created with the aim of promoting aerial sport or leisure aviation*'.

## 11 **Queries**

- 11.1 Any queries or requests for further guidance as a result of this communication should be addressed to the [GA@caa.co.uk](mailto:GA@caa.co.uk) e-mail address.

## 12 **Cancellation**

- 12.1 This Information Notice will remain in force until 21 April 2017.