



LETTER OF INTENT TO AMEND THE MEANING OF “MICROLIGHT AEROPLANE” AS SET OUT IN ARTICLE 155 OF THE AIR NAVIGATION ORDER 2005.

Implementing measures to assure the safety of civil aviation is an obligation arising from the Convention on International Civil Aviation (the “Chicago Convention”). The UK Government is a signatory to the Convention. Under the Civil Aviation Act, for civil activities that are outside the remit of EASA, it is an obligation of the CAA to propose to the Government necessary changes to aviation legislation. This Letter of Intent describes a proposed change to the Air Navigation Order 2005 (ANO).

ISSUE

The current entry in Article 155(1) defines a “microlight aeroplane” as being:

“an aeroplane designed to carry not more than two persons, which has

- (a) a maximum total weight authorised not exceeding:*
 - (i) 300 kg for a single seat landplane, (or 390 kg for a single seat landplane in respect of which a permit to fly or certificate of airworthiness issued by the CAA was in force prior to 1st January 2003);*
 - (ii) 450 kg for a two seat landplane;*
 - (iii) 330 kg for a single seat amphibian or floatplane; or*
 - (iv) 495 kg for a two seat amphibian or floatplane; and*
- (b) a stalling speed at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;”*

The categories of aircraft excluded from regulation by EASA through Article 4 of European Regulation 216/2008 and the associated Annex II include a class of aircraft that represents the envelope of microlight/ultralight definitions used by EU States prior to the formation of EASA. This definition differs from the ANO definition above as follows:

- “(e) aeroplanes, helicopters and powered parachutes having no more than two seats, a maximum take-off mass (MTOM), as recorded by the Member States, of no more than:*
 - (i) 300 kg for a land plane/helicopter, single-seater; or*
 - (ii) 450 kg for a land plane/helicopter, two-seater; or*

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- (iii) 330 kg for an amphibian or floatplane/helicopter single-seater; or*
- (iv) 495 kg for an amphibian or floatplane/helicopter two-seater, provided that, where operating both as a floatplane/helicopter and as a land plane/helicopter, it falls below both MTOM limits, as appropriate;*
- (v) 472.5 kg for a land plane, two-seater equipped with an airframe mounted total recovery parachute system;*
- (vi) 315 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system;*

and, for aeroplanes, having the stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS);”

The UK ANO definition is therefore inconsistent with EU legislation. To allow UK microlight owners and manufacturers the same scope as their European counterparts, it is proposed that the ANO be amended in respect of aeroplanes to align with Annex II of the EASA Regulation.

This means that the maximum masses for single seat and two seat landplanes set out in the ANO should be increased to 315 kg and 472.5 kg respectively, if the aeroplane is equipped with an airframe mounted total recovery parachute system.

A repercussion of EU legislation is that the maximum permitted mass of a microlight that is outside EASA's remit is now limited by the text of Annex II. This means that a single seat landplane of up to 390 kg that first flew prior to 1st January 2003, is not excluded from regulation by EASA under paragraph (e) of Annex II. However, such an aircraft is excluded from regulation by EASA if it is amateur-built, within the meaning of paragraph (c) of Annex II. Hence, if it was commercially-built, it is now an “EASA aircraft” and must have an EASA airworthiness certificate in order to fly legally within the EU.

Consequently, the owner of any commercially-built single seat landplane with a UK microlight permit, which has a maximum total mass exceeding 300 kg (or 315 kg if equipped with an airframe mounted total recovery parachute system) will need to contact EASA to establish the means to fly in accordance with EU legislation. This EU legislation is already in place and cannot be amended by National legislation.

THE PROPOSED CHANGE TO THE ANO

The proposed change is set out in Annex A to this letter. The proposed new definition of a microlight aeroplane has the same limits as Annex II paragraph (e) to Regulation 216/2008 for aeroplanes, but also includes amateur-built single seat landplanes up to 390 kg that first flew before 1st January 2003. The specific 390 kg limit has been retained in order not to impose additional costs for such aircraft that can remain within UK legislation. Commercially-built single seat landplanes up to 390 kg can no longer be included in the UK definition of a microlight aeroplane because European legislation is overriding. As a consequence of this, the holders of a microlight rating will no longer have the privilege of flying commercially-built single seat landplanes of between 300 kg (or 315 kg) and 390 kg in respect of which a permit to fly or certificate of airworthiness was in force prior to 1 January 2003.

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In addition, it is proposed that the text be changed to refer to “mass” rather than “weight”, to be consistent with EU legislation. From the scientific and engineering viewpoint, the kilogram is the unit of mass. Hence, it is proposed that the existing wording “maximum total weight authorised not exceeding ...” be replaced by “maximum total mass authorised not exceeding ...”.

CONSULTATION

The proposed amendment is to align the UK ANO with Annex II to the EASA Regulation. The limits set out in the EASA Regulation are already in force and cannot be amended by UK legislation. Raising the limiting masses for landplanes in the ANO to match those in EU legislation allows UK owners of microlights the same scope as other EU citizens. However, as it is not compulsory to increase the maximum approved mass of any microlight to the maximum, there is no regulatory cost or burden. It is therefore considered that no formal consultation is necessary.

Personnel Licensing Department (PLD) has considered the implication of the proposed ANO amendment that would effectively remove the privilege from current licence holders of flying commercially-built single seat landplanes of between 300 kg (or 315 kg) and 390 kg in respect of which a permit to fly or certificate of airworthiness was in force prior to 1 January 2003. PLD has concluded that there are no aircraft known to be in existence in the UK that meet these criteria, and has consulted informally with the representative body of microlight pilots in the UK to confirm its agreement to our conclusion that no further consultation is necessary.

INTENTION TO PROCEED

The CAA will now recommend to the Secretary of State that Article 155 be revised.

This proposal clarifies existing requirements and will give greater consistency with EU legislation. This proposal imposes no additional costs nor offers any savings and therefore has a negligible impact on business and the existing regulatory regime. Consequently, a formal impact assessment has not been provided.

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