

30/2008**Applicability: All Helicopter AOC Holders****LETTER OF INTENT: PROPOSAL TO AMEND THE AIR NAVIGATION ORDER 2005****PROPOSAL TO AMEND ARTICLES 42 AND 155 AND SCHEDULE 9 OF THE AIR NAVIGATION ORDER 2005 FOR THE PURPOSE OF INTRODUCING AN ADDITIONAL RESPONSIBILITY FOR OPERATORS OF HELICOPTERS CONDUCTING OFFSHORE FLIGHTS, INCLUDING THE SUPPORT OF OIL AND GAS EXPLOITATION WITHIN THE UNITED KINGDOM CONTINENTAL SHELF AIRSPACE, NEW DEFINITIONS AND AN ADDITIONAL REQUIREMENT TO BE INCLUDED IN THE OPERATIONS MANUAL****1 Introduction**

- 1.1 In the Letter of Consultation (L of C) of 26 September 2007 (FODCOM 25/2007), the CAA detailed a proposal to amend the Air Navigation Order 2005 (ANO) to introduce an additional responsibility for the operators of helicopters conducting offshore operations, including the support of oil and gas exploitation within the United Kingdom continental shelf airspace. Comments were invited on the proposal.
- 1.2 Offshore helicopter flights, including operations in support of oil and gas exploitation over the UK Continental Shelf (UKCS), are largely conducted along defined route structures located in Class G airspace. Flight in Class G airspace does not require aircraft to communicate their presence to agencies or other traffic and therefore there is no mandate on operators to ensure that at all times their aircraft can be contactable through recognised communications. Additionally, the lack of complete radio and radar coverage within parts of operating areas reduces the availability of traffic avoidance and flight-following services with the potential for airproxes and delayed mishap alerts. A flight-following system is a means by which a helicopter's location can be readily determined at any time during its offshore flight in order to assist with the provision of an effective search and recovery of survivors in the event of a ditching.
- 1.3 The proposed amendments to the ANO will require the operator of any helicopter conducting offshore operations for the purpose of public transport to satisfy himself that at the intended cruising level the aircraft will be under a flight-following service and can communicate with the appropriate air traffic services unit. At the same time the amendment will provide for alternative procedures to be agreed with the CAA where necessary. Furthermore, the amendment will require the operator to incorporate an overdue action procedure in the relevant operations manual.

2 Summary of Comments

- 2.1 Comments were received from four organisations as listed below:
- | | | |
|-----|--|------------------------|
| (1) | British Helicopter Advisory Board (BHAB) | Industry association |
| (2) | Caledonian Airborne Systems Ltd | Equipment manufacturer |
| (3) | Internal CAA comment | Regulator |
| (4) | National Air Traffic Services | ATM provider |
- 2.2 In general, the commenters were in support of the proposal and suggested minor adjustments to the text of the Impact Assessment and proposal. These suggestions have been accepted and the text amended accordingly without substantially altering the content or intent of the proposal.
- 2.3 A summary of the comments received, and the CAA's responses to them, is given at Annex 1 to the [Impact Assessment](#) (IA).
- 2.4 In order to ensure that the geographic scope of the proposal was fully understood by those operators likely to be affected, a supplementary question was posed through the BHAB asking for any additional

FLIGHT OPERATIONS DIVISION COMMUNICATION - 30/2008

comment. No further comments have been received and it is considered that those affected are cognisant of the intent and purpose of the proposal.

3 Intention to Proceed

3.1 The CAA is satisfied that the views expressed by interested parties during the consultation have been taken into account. This proposal was initiated before the European Commission and EASA gained exclusive legal competence in relation to rulemaking for aviation operations. There is therefore a risk that this amendment to the ANO may not be acceptable to EASA when the Implementing Rules for the Basic Regulation EC 216/2008 come into force by 2012. However, the significant safety benefits of flight-following are believed to outweigh this risk and therefore it is intended to proceed with the amendment. A proposal, based on this amendment, will be passed to EASA by the CAA for consideration within the future rulemaking process.

3.2 The CAA will now recommend to the Secretary of State that Article 42, Article 155 and Schedule 9 of the Air Navigation Order 2005 be amended as detailed in the [IA](#).

4 Queries

4.1 Any queries as a result of this FODCOM should be addressed to Head of Flight Operations Policy Department at the following e-mail address: FOP.Admin@caa.co.uk.

5 August 2008

Recipients of new FODCOMs are asked to ensure that these are copied to their 'in house' or contracted maintenance organisation, to relevant outside contractors, and to all members of their staff who could have an interest in the information or who need to take appropriate action in response to this Communication.

Review FOP June 2010