



Civil Aviation Authority
SAFETY NOTICE
Number: SN-2012/007



Issued: 1 May 2012

Introduction of Visual Flight Rules (VFR) at Night in the UK

This Safety Notice contains recommendations regarding operational safety.

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

Applicability:	
Aerodromes:	All Aerodrome Operators
Air Traffic:	All Air Traffic Service Providers
Airspace:	All Airspace Users
Airworthiness:	All Aircraft Manufacturers and Maintenance Facilities
Flight Operations:	All AOC Holders, PAOC Holders and General Aviation Pilots
Licensed/Unlicensed Personnel:	All Flight Crew and Engineers

1 Introduction

- 1.1 Current UK regulations require any flight at night to be conducted in accordance with the Instrument Flight Rules (IFR). However, due to the impending introduction of European Regulations, principally the European Aviation Safety Agency (EASA) Aircrew Regulation – which includes Flight Crew Licensing (Part-FCL), but also Standardised European Rules of the Air (Part-SERA), this policy requires review. After due consideration of the consequences of these rule changes and possible ways forward, the CAA has concluded that the preferred option is, subject to specific conditions, to allow aircraft to fly in accordance with VFR at night in the UK from 8 June 2012.
- 1.2 This Safety Notice sets out the reasons for this change, how it will be implemented, and actions required by the aviation industry. Stakeholders are also provided with an opportunity to comment on the CAA intention.

2 Background

- 2.1 According to Rule 20(2) of the Rules of the Air Regulations 2007, aircraft flying at night in the UK must do so in accordance with the IFR unless flying in a Control Zone on a Special VFR flight.
- 2.2 According to the EASA Aircrew Regulation (Regulation (EU) No. 1178/2011) JAR-FCL licences became Part-FCL licences on 8 April 2012, and in accordance with Part-FCL the holder of such a licence requires an Instrument Rating (IR) to act as pilot in command on an IFR flight.

- 2.3 Without intervention, one impact of Part-FCL is that pilots wishing to fly at night in the UK now need to hold both a Night Rating and an IR. Therefore, the CAA has already elected to use the flexibility provisions in Article 14(4) of Regulation (EC) No. 216/2008 (the Basic EASA Regulation) to delay the start of the implementation to 8 June 2012 (i.e. for two months). For the period 8 April to 7 June 2012, an **exemption** has been issued to allow 'flight at night in the United Kingdom without an Instrument Rating by the holders of pilot licences that are deemed to be Part-FCL licences'.
- 2.4 Part-SERA is expected to come into force on 4 December 2012 (albeit with a transition period enabled until 4 December 2014). This Regulation will allow Member States to decide whether to allow aircraft to fly under VFR at night and it is anticipated that all European States will choose to follow this route as most already do.
- 2.5 Furthermore, as pilots flying in Europe will expect EU Regulations to be applied uniformly across Member States there is a risk that foreign pilots visiting the UK (and conversely UK pilots flying elsewhere in Europe) may be confused by differing requirements for flight at night.

3 Options

- 3.1 The CAA has identified several options to address this issue:

3.1.1 Option 1 – Do Nothing

- 3.1.1.1 The CAA considers that to do nothing is not a viable option because of the resulting withdrawal of night flying privileges from pilots who hold a Night Rating but not an IR. It is also undesirable to implement the Regulations in a manner which is inconsistent with the rest of Europe.

3.1.2 Option 2 – Exemption Against Part-FCL Requirements

- 3.1.2.1 Article 14(4) of the Basic EASA Regulation provides for Member States to grant an exemption against the Part-FCL requirement for a pilot to hold an IR to fly under IFR. Therefore one option could be to grant such an exemption with conditions that essentially replicate the present situation in the UK (e.g. IR not required for IFR flight in Visual Meteorological Conditions (VMC) outside controlled airspace). This would allow the holder of a Night Rating to continue flying at night in the UK without needing to hold an IR.
- 3.1.2.2 However, Article 14(4) exemptions are intended as a short-term measure to enable a State to allow for unforeseen urgent operational circumstances or operational needs of limited duration and must provide an equivalent level of safety. Any such exemptions that exceed two months' duration, or are repetitive, must be notified to the European Commission, EASA and all EU Member States. The European Commission will seek the advice of EASA on any notifiable exemptions and if not satisfied may direct the Member State to revoke the exemption.
- 3.1.2.3 The CAA is not confident that an Article 14(4) exemption against the Part-FCL requirements to hold an IR will be acceptable to the Commission. This is because the exemption will be contrary to International Civil Aviation Organization (ICAO) Standards and because the exemption may have greater impacts in other European States which use a different airspace design and management philosophy to that of the UK. Also, it is not clear that it can be justified that allowing a non-IR pilot to fly under IFR provides an equivalent level of safety.
- 3.1.2.4 This option also does not alleviate concerns about the continuation of a difference in application of flight rules in the UK compared with the rest of Europe.

3.1.3 Option 3 – Permit VFR at Night

- 3.1.3.1 Part-SERA will detail conditions applicable to VFR flights at night. These will include flight planning, communications and VMC and closely match the existing IFR used for flight at night in the UK. It is therefore considered that VFR flight at night, under selected specific conditions consistent with Part-SERA Regulations, will be broadly equivalent to IFR at night under existing UK Rules of the Air.
- 3.1.3.2 The result of permitting night VFR will be that a pilot would not need to hold an IR and it would bring the UK in line with other EU Member States, thus alleviating concerns about pilots being confused by differing application of the flight rules.
- 3.1.3.3 Part-FCL must be implemented on 8 June 2012. From this date onwards European Regulations will make an IR mandatory to fly under IFR for any holder of a JAR-FCL or Part-FCL licence. Additionally, June 2012 is considered to be the optimum time of the year to introduce VFR at night because the period of daylight is long and the number of aircraft likely to night fly is much reduced. This will allow all stakeholders sufficient time to implement any necessary changes to their operating procedures.
- 3.1.3.4 It should be noted that only aircraft certificated for night flight will be permitted to fly at night. Aircraft restricted to Day VFR operation, for example those that hold a Permit to Fly, will still be prohibited from flying at night.

3.2 Preferred Option

- 3.2.1 Although Option 3 is not without some risk as with any rule change, it is considered that these are manageable through good communication and education. In balancing the benefits against the risks, the CAA has concluded that Option 3 is the preferred option.

3.3 Differences and Impacts

- 3.3.1 The revisions to the Rules of the Air 2007 to accommodate VFR at night are detailed at [Annex A](#) and are drawn from Part-SERA. These requirements will be specified in the published Exemption to Rule 20.
- 3.3.2 A cross-reference table outlining the differences between UK IFR and Part-SERA VFR at night is included at [Annex B](#).
- 3.3.3 The effect of introducing VFR at night on the provision of Air Traffic Services (ATS) in relation to the airspace classification is detailed at [Annex C](#).

4 Implementation and Promulgation

- 4.1 The CAA intends to implement VFR at night with effect from midday on 8 June 2012. The CAA will issue a General Exemption against Rule 20 of the UK Rules of the Air for the period 8 June 2012 to 4 December 2014 in order to achieve this. Conditions within the exemption will ensure that the requirements are consistent with those considered relevant within Part-SERA. When Part-SERA is implemented in the UK (i.e. on or before 4 December 2014), the CAA intends to grant a non-expiring permission under Part-SERA to all aircraft flying in the UK allowing them to fly under VFR at night.
- 4.2 The CAA will extend promulgation of this change through amendment of the Aeronautical Information Publication (AIP), provision of an Aeronautical Information Circular (AIC) and publication of the General Exemption in the [Official Record Series](#) on the CAA website. Additionally, a CAP 493 (MATS Part 1) Supplementary Instruction will be issued in advance of the implementation date providing consequential changes to CAP 493, and expanded controller guidance on providing VFR clearances to aircraft in Class D airspace at night.

5 Actions Required

- 5.1 Aircraft operators should review their operating procedures and ensure that the requirements for VFR at night are included and adopted.
- 5.2 Licensed pilots should familiarise themselves with the revised rules and adapt their operations accordingly.
- 5.3 Training providers should review their training procedures and material, ensuring that the requirements for VFR at night are included and adopted.
- 5.4 ATS providers should undertake an impact assessment of the introduction of VFR at night on local unit procedures and airspace arrangements, and ensure that any required changes that are identified are developed in accordance with CAP 670 safety assurance requirements. Particular attention should be paid to ensure that routinely used VFR aircraft routeings, either tactical or those formally promulgated, are appropriate at night for VFR navigation with regard to conspicuity.

6 Feedback

- 6.1 Stakeholders are invited to comment on the content of this Safety Notice by 16 May 2012.
- 6.2 Comment should be sent to the e-mail address given in paragraph 7.3, or to the following postal address:

Flight Operations Policy, 1W
Safety Regulation Group
Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

7 Queries

- 7.1 Any queries or requests for further guidance from AOC and PAOC holders as a result of this communication should be addressed to the assigned Flight Operations Inspector in the first instance.
- 7.2 Any queries or requests for further guidance from ATS providers should be addressed to:
Aerodrome and Air Traffic Standards Division, 2W
Safety Regulation Group
Aviation House
Gatwick Airport South
West Sussex
RH6 0YR
E-mail: ats.enquiries@caa.co.uk.
- 7.3 Otherwise, queries should be addressed to the Head of Flight Operations Policy at the following e-mail address: FOP.Admin@caa.co.uk.

8 Cancellation

- 8.1 This Safety Notice shall remain in force until 31 December 2012.

Annex A Visual Flight Rules at Night

- 1) The Civil Aviation Authority intends to issue a General Exemption to enable flight under the Visual Flight Rules at night subject to the following conditions being met:
 - a) the visibility and distance from cloud minima as specified in Rule 27 and 28 shall apply except that:
 - i) the cloud ceiling shall not be less than 1,500 ft;
 - ii) except as specified in (1)(a)(iii), the provisions specified in Rule 28 (4) and (5) shall not apply; and
 - iii) for helicopters in airspace classes F and G at and below 3,000 ft above mean sea level or 1,000 ft above terrain, whichever is the higher, flight visibility shall not be less than 3 km, provided that the pilot maintains continuous sight of the surface and the helicopter is manoeuvred at a speed that will give adequate opportunity to observe other traffic or obstacles in time to avoid collision;
 - b) except when necessary for take-off or landing, or unless in accordance with a permission granted by the CAA, an aircraft flying in accordance with the Visual Flight Rules at night shall not fly at a height of less than 1,000 ft above the highest obstacle within a distance of 5 NM of the aircraft; and
 - c) the cruising levels in Rule 34 shall apply.

Annex B Comparison Table

The following table compares the current UK Rules of the Air Regulations (RofA) against the proposed Standardised European Rules of the Air for flight at night. Those rules that the CAA has elected not to adopt, either fully or in part, under the terms of the Exemption are annotated by (*).

VFR at Night (SERA)	IFR at Night (UK RofA)
* Flight plan required when leaving the vicinity of an aerodrome. Note: Flight Plan may include 'booking out' with Air Traffic Control (ATC).	Flight plan required when flying in Controlled Airspace (CAS).
* Establish and maintain two-way communications with ATC where available. Note: This would not preclude flight at night in areas where no air traffic service is available.	No two-way communications required except for flight in CAS.
Minimum cloud ceiling 1,500 ft.	No minimum cloud ceiling. Note: Flight in cloud is limited by pilot qualification (i.e. remain clear of cloud with the surface in sight unless pilot holds IR or Instrument Meteorological Conditions Rating (IMCR)).
The reduced visibility provisions for flight below 3,000 ft (i.e. 1,500 m at low speed) do not apply. Minimum visibility 5 km or 8 km depending on altitude (i.e. above or below FL 100)	No minimum visibility. Note: Flight in reduced visibility is limited by pilot qualification (i.e. 3 km unless pilot holds an IR or IMCR).
Class B-G Airspace: Below 3000 ft Above Mean Sea Level (AMSL) or 1,000 ft above terrain – pilot must maintain continuous sight of the surface.	No requirement to maintain sight of the surface. Note: Flight out of sight of the surface is limited by pilot qualification (i.e. not permitted unless pilot holds an IR or IMCR).
Helicopters in Class F-G Airspace: Below 3,000 ft AMSL or 1,000 ft above terrain – minimum visibility 3 km.	No minimum visibility. Note: Flight in reduced visibility is limited by pilot qualification (i.e. 3 km unless pilot holds an IR or IMCR).
* Higher VMC minima may be prescribed by the CAA for flight in mountainous areas.	No additional requirement for flight in mountainous areas.
Lower ceiling, visibility and distance from cloud minima may be permitted for medical, search and rescue flights etc.	No equivalent provision; however, the CAA does issue exemptions to individual operators on a case-by-case basis.
Minimum flight altitude of 1,000 ft (2,000 ft in mountainous terrain) above the highest obstacle within 8 km.	Minimum flight altitude of 1,000 ft. Additional requirement for flight in mountainous terrain not specified.
* Flight above 3,000 ft must use semi-circular cruising level.	Flight between 3,000 ft and FL 195 must use a quadrantal level. Flight above FL 195 must use a semi-circular level.

Annex C Effect on ATS Provision

The effect of introducing VFR at night on the provision of ATS in relation to the airspace classification is as follows:

- a) Class A airspace – IFR mandatory.
- b) Class B airspace – no UK airspace is currently designated as Class B.
- c) Class C airspace – VFR flight by civil aircraft above FL 195 is not permitted unless it has been accorded specific arrangements by the appropriate ATS authority. VFR flight shall only be authorised:
 - in reserved airspace; or
 - outside reserved airspace up to FL 285, and then only when authorised in accordance with the procedures detailed for Non-Standard Flights in Controlled Airspace.
- d) Class D airspace – VFR access at night, subject to ATC clearance, would now be enabled as per day time.
 - Currently, Special VFR is extensively used for access to such airspace at night by pilots unable to comply with IFR. When operating on a Special VFR clearance, the pilot must comply with ATC instructions and remain at all times in flight conditions which enable him to determine his flight path and to keep clear of obstacles – this is consistent with the intention for VFR flights in Class D airspace at night.
 - ATC provide standard separation between all Special VFR flights (except where authorised otherwise by CAA) and between Special VFR flights and other aircraft under IFR. As per current day time procedures, pilots that in future choose to fly VFR at night in Class D airspace will not be separated by ATC, but traffic information will be provided on IFR and other VFR flights to enable pilots to effect their own traffic avoidance and integration.
- e) Class E airspace – VFR access at night would be enabled as per current day time provisions. No impact has been identified.
- f) Class F/G airspace – the provision of ATS in accordance with CAP 774 is based on the service requested by the pilot and is not driven by flight rules; therefore, no impact has been identified by enabling VFR flight at night.