

# Introductory Flights – Guidance to Operators

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# 1 Introduction

- 1.1 This information is intended to provide guidance for individuals and organisations regarding introductory flights performed by a pilot training organisation (Approved Training Organisation / Declared Training Organisation) or by an organisation created with the aim of promoting aerial sport or leisure aviation.
- 1.2 This information supersedes that given on “Introductory Flights” contained in IN-2015/029.
- 1.3 Air Operations Regulation (EU) No 965/2012<sup>1</sup> as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 includes a derogation for introductory flights at Article 6.4a (c) to be flown in accordance with the operating rules for non-commercial flights subject to specific conditions. The conditions for conducting an introductory flight are that:
- 1.3.1 The aircraft is operated by an Approved Training Organisation (ATO), Declared Training Organisation (DTO), or an organisation created with the aim of promoting sport or leisure aviation,
  - 1.3.2 The pilot in command (PIC) is suitably licenced, rated and within the relevant recency requirements,
  - 1.3.3 Only other-than complex motor-powered aircraft may be used,
  - 1.3.4 The principal place of business must be within the United Kingdom.
  - 1.3.5 The aircraft is operated by the organisation on the basis of ownership or dry-lease;
  - 1.3.6 The flight does not generate profits distributed outside of the organisation; and
  - 1.3.7 Whenever non-members of the organisation are involved, such flights represent only a marginal activity of the organisation.
- 1.4 NCO.GEN.103 of UK Regulation (EU) No 965/2012 allows introductory flights to be conducted using non-complex aircraft other than balloons and sailplanes when conducted in accordance with paragraph 1.3 of this guidance and likewise shall comply with the below:
- 1.4.1 The flight must start and end at the same aerodrome or operating site, except for gliders or balloons,
  - 1.4.2 Shall be operated under Visual Flight Rules (VFR) by day
  - 1.4.3 Shall be overseen by a nominated person responsible for their safety
  - 1.4.4 Shall comply with any other conditions stipulated by the CAA.
- 1.5 Article 15 of the Air Navigation Order 2016 (ANO) allows introductory flights for non-Part 21, aircraft provided that you comply with the conditions set out in paragraph 1.3 and 1.4 and providing the following conditions for the flight are also met:
- 1.5.1 Is treated as a commercial operation for the purposes of Part 4 of the ANO – Airworthiness
  - 1.5.2 Non-Part 21 aircraft are restricted to flights within the London and Scottish FIRs unless the permission of the relevant authority has been given.

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<sup>1</sup> Please note that references to EU regulations are those as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018. Hereafter, regulations will be referred to in their shorter format e.g. Air Operations Regulation (EU) No 965/2012 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 becomes UK Regulation (EU) No 965/2012.

- 1.6 Balloon Rule Book Regulation (EU) No 2018/395<sup>2</sup> as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 allows introductory flights for Part 21 Balloons, provided that you comply with the conditions set out in paragraph 1.3 and 1.4 of this guidance.
- 1.7 Sailplane Rule Book Regulation (EU) No 2018/1976<sup>3</sup> as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 allows introductory flights for Part 21 Sailplanes, provided that you comply with the conditions set out in paragraph 1.3 and 1.4 of this guidance.
- 1.8 The derogations for introductory flights also apply to aerobatic flights and those conducted by parachuting organisations and gliding clubs.
- 1.9 While holders of private licences may conduct introductory flights, they may not personally receive any remuneration or valuable consideration for doing so.

## 2 Guidance

- 2.1 Any organisation conducting introductory flights should inform potential passengers that such flights are not required to conform to the same safety regulations as those conducting Commercial Air Transport (CAT) / Public Transport (PT) operations.
- 2.2 The aim of the introductory flights is to attract new trainees or new members. They are not designed, and should not be sold, to replace Exercise 3 – Air Experience Flight as per the LAPL and PPL syllabi in UK Regulation (EU) No 1178/2011, in which a qualified instructor would typically give a demonstration of the controls and some flight training exercises with the participant handling the aircraft. Flight time as a passenger on an introductory flight will not count as training towards the grant of a pilot's licence.
- 2.3 Passengers should be made aware that the pilot may amend or cancel the flight for any reason, including at short notice and is under no obligation to complete it.
- 2.4 An introductory flight should consist of an air tour of short duration. It is not considered as a trial lesson and cannot be counted toward licence training. Where the flight is conducted by a pilot who does NOT hold a valid instructor certificate, control of the aircraft must not be handed over to the passenger under any circumstances.
- 2.5 If it is expected that, at the time of accepting the flight booking, the customer wishes to handle the controls of the aircraft, the flying organisation must rebook this as a trial lesson and roster an instructor to take the flight.

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<sup>2</sup> Please note that references to EU regulations are those as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018. Hereafter, regulations will be referred to in their shorter format e.g. *Air Operations Regulation (EU) No 965/2012 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 becomes UK Regulation (EU) No 965/2012.*

<sup>3</sup> Please note that references to EU regulations are those as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018. Hereafter, regulations will be referred to in their shorter format e.g. *Air Operations Regulation (EU) No 965/2012 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 becomes UK Regulation (EU) No 965/2012.*

- 2.6 A marginal activity should be understood as representing a very minor part of the overall activity of the organisation. An organisation intending to offer such flights as regular business activity is not considered to meet the condition of a marginal activity.
- 2.7 Flights organised with the sole intent to generate income for the organisation are not considered to be a marginal activity.
- 2.8 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 and aerobatic flights.
- 2.9 Aircraft registered in a Third Country (e.g. the Isle of Man, Jersey, USA, EASA) are required to comply with the relevant EASA Ops rules if based in an EASA Member State. However, they may also be required to abide by the regulations of the State of Registry which may prohibit conducting such introductory flights.
- 2.10 The operator and PIC should assess the risk to the occupants of the aircraft and should include an assessment of:
- The pilot's currency/recency,
  - Familiarity with the aircraft to be used and the associated emergency procedures,
  - Aircraft weight and balance and performance calculations,
  - The proposed location, route, airspace and any operational restrictions,
  - Weather forecasts, actual and trends; remember the flight must be conducted in accordance with VFR by day only.
  - Any other criteria which should reasonably be considered as part of the overall risk assessment should be completed for each flight to ensure a safe and enjoyable experience for the participant/s.

### 3 Explanation of Terms

- 3.1 "Part 21 aircraft" means an aircraft which is required to hold a UK Certificate of Airworthiness or a UK restricted Certificate of Airworthiness by the UK Basic Regulation (UK Regulation EU 2018/1139) and any implementing rules adopted by the UK in accordance with that Regulation.
- 3.2 "Non-Part 21 aircraft" means an aircraft which holds a UK Certificate of Airworthiness or a UK Permit to Fly issued in accordance with the ANO.
- 3.3 "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.
- 3.4 An aircraft is deemed to be in "flight" from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing
- 3.5 Article 6.4a(c) of UK Regulation (EU) No 965/2012 Air Operations applies to other-than complex motor-powered aircraft conducting introductory flights as follows:

*'introductory flights, parachute dropping, sailplane towing or aerobatic flights performed either by a training organisation having its principal place of business in the United Kingdom and approved in accordance with UK Regulation (EU) No 1178/2011, 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, that the flight does not generate profits distributed outside of the organisation, and that whenever non-members of the organisation are involved, such flights represent only a marginal activity of the organisation.*

3.6 A 'complex motor-powered aircraft' means:

- (i) an aeroplane:
  - with a maximum certificated take-off mass exceeding 5,700 kg, or
  - certificated for a maximum passenger seating configuration of more than 19, or
  - certificated for operation with a minimum crew of at least two pilots, or
  - equipped with (a) turbojet engine(s) or more than one turboprop engine, or
- (ii) a helicopter certificated:
  - for a maximum take-off mass exceeding 3,175 kg, or
  - for a maximum passenger seating configuration of more than 9, or
  - for operation with a minimum crew of at least two pilots, or
- (iii) a tilt rotor aircraft;

A "non-complex motor-powered aircraft" or "other-than complex motor-powered aircraft" (which includes sailplanes and balloons) should be construed accordingly.

3.7 The ANO contains similar definitions at Schedule 1:

"non-commercial flight" means a flight which is not a commercial operation flight, a public transport flight or a flight for the purpose of commercial air transport;

"valuable consideration" means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature.