

Comment Response Document: **UK Cost Sharing Flights**

CAP 2391

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Chapter 1

Summary

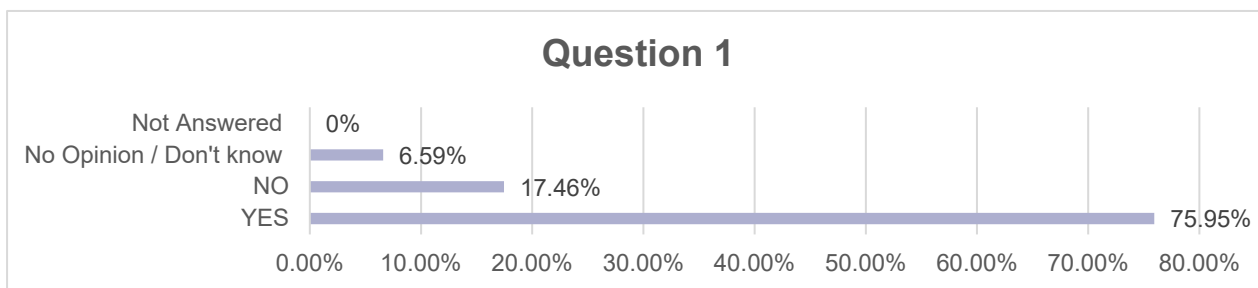
- 1.1 CAP 2270 (Consultation: UK Cost Sharing Flights) was published in November 2021 which consulted on proposed changes to UK (EU) Regulation No 965/2012 (Air Operations Regulation) and to the Air Navigation Order 2016 (the Order). The consultation asked five specific questions and allowed for additional comments on the overall proposal. The CAA received responses from 1260 separate commentators which included 773 additional textual comments.
- 1.2 Each of the 773 response comments were read and grouped accordingly. What emerged were some common themes outlined in Chapter 3 below.
- 1.3 300 responses were submitted by organisations or associations, 960 were submitted by individuals.
- 1.4 After consideration of the comments received, some of the regulation changes proposed in the CAP were amended and our rationale is explained within this Comment Response Document (CRD).

Chapter 2

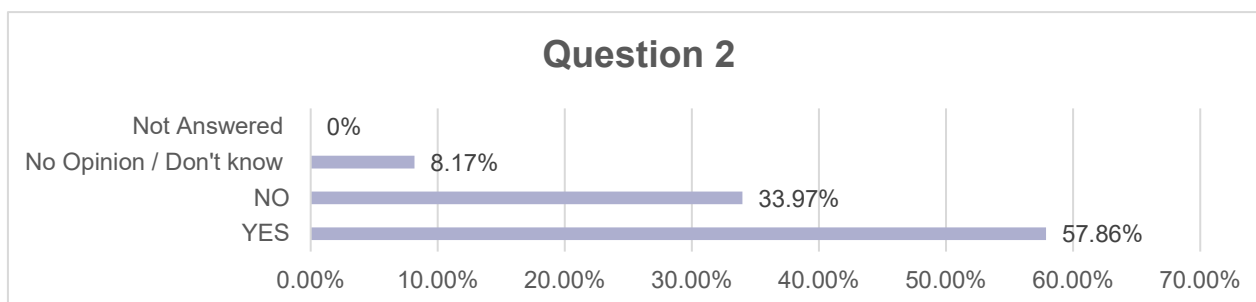
Consultation Questions and Responses

2.1 CAP 2270 outlined 5 key questions to responders to answer, with an additional text box provided as an opportunity for responders to provide individual comments. Not all respondents answered all questions. A summary of answers is below:

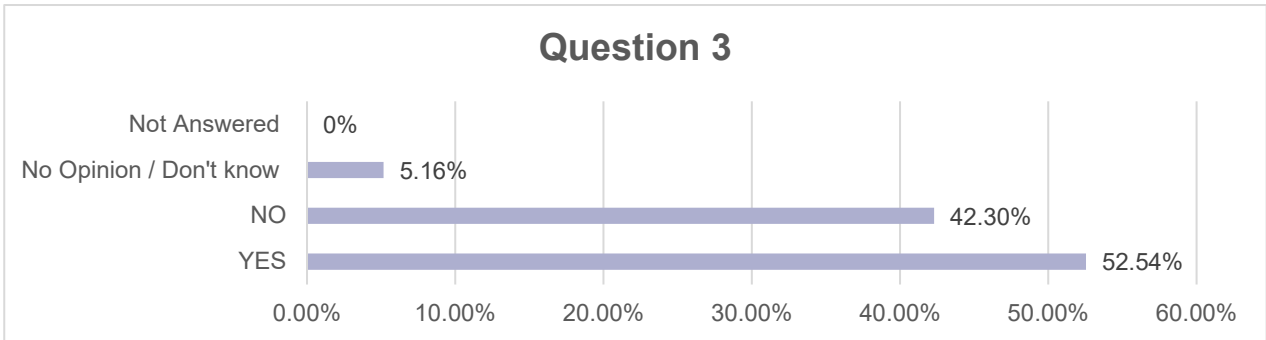
2.2 **Question 1:** Do you support the alignment and improvement of the regulations in order to improve the safety of cost sharing flights and to make it more difficult for them to be used as a cover for illegal CAT or PT flights?



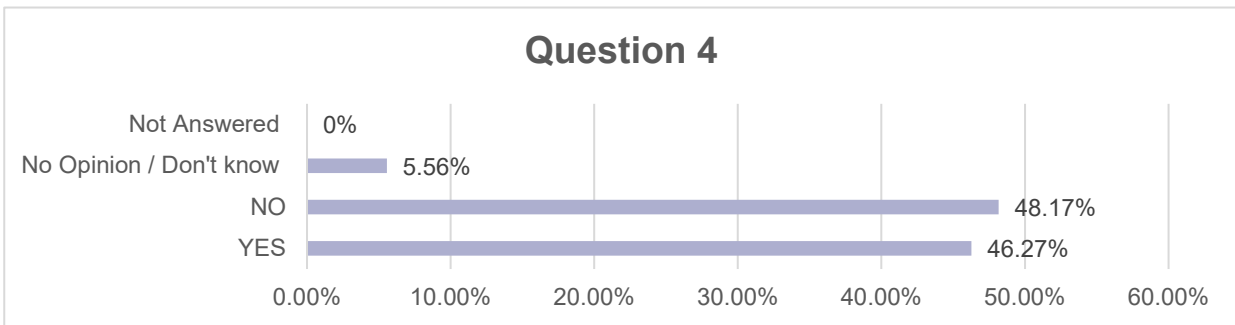
2.3 **Question 2:** Do you support the proposal to amend both the ANO and the Air Operations Regulation to include a 'common purpose of travel' requirement for each cost sharing flight if not A to A?



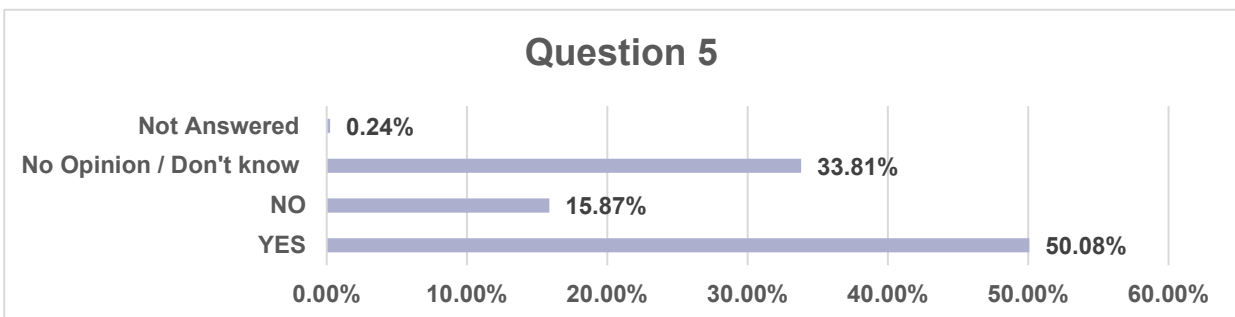
2.4 **Question 3:** Do you support the proposal to amend both the ANO and the Air Operations Regulation to include an ‘equal shares’ requirement for each cost sharing flight?



2.5 **Question 4:** Do you support the proposal that all passengers should complete a Passenger Declaration and Consent Form to ensure they are fully aware that cost sharing flights differ from CAT and PT pilot qualifications and maintenance standards?



2.6 **Question 5:** Do you think that the proposed amendments to both the ANO and the Air Operations Regulation will have a financial impact on cost sharing flight platforms?



Chapter 3

Comments and Responses

- 3.1 In responding to comments, a standard terminology has been applied to reflect the CAA's position. This terminology is as follows:
- (a) **Accepted** — the CAA agrees with the comment and any proposed amendment is wholly transferred to the revised text.
 - (b) **Partially accepted** — the CAA either agrees partially with the comment or agrees with it but the proposed amendment is only partially transferred to the revised text.
 - (c) **Noted** — the CAA acknowledges the comment but no change to the existing text is considered necessary.
 - (d) **Not accepted** — The premise behind the comment or proposed amendment is not shared by the CAA.

Common Themes

- 3.2 This Comment Response Document does not outline all of the comments received from the consultation, but instead groups comments into common themes and where appropriate summarises them. Some comments which do not fit into a common theme are individually indicated and responded to within this CRD.
- 3.3 Most comments were able to be grouped together into 12 common themes that emerged within the 773 comments received, with many responses fitting into more than one common theme. The common themes were the following:

| Common Theme | Number of related comments |
|--|----------------------------|
| 1) Passenger Declaration Form too onerous for regular friends/family | 178 |
| 2) Confusion over equal shares | 146 |
| 3) Don't agree with Wingly / cost sharing platforms | 104 |
| 4) Confusion over common purpose | 100 |
| 5) Online advertising should be banned | 73 |
| 6) Need better regulating by CAA | 68 |
| 7) Renting/owning aircraft costs | 64 |

| | |
|--|----|
| 8) Enforce the current rules– they are currently open to interpretation | 63 |
| 9) Significant financial impact on pilots trying to hour build | 55 |
| 10) Regular flying – safety increased | 48 |
| 11) Where is the evidence? | 33 |
| 12) Pilots should have minimum flying hours before being able to fly strangers | 16 |

Common Theme: 1) Passenger Declaration Form too onerous for regular friends/family

Summary / Example of Comments:

Responders were concerned that adding additional paperwork to cost sharing flights would be too onerous for the pilot and/or passenger(s).

“If the pilot is cost sharing with his/ her friends do we really need a form, kept for 6 months. This form should only be necessary if using a flight sharing platform if they continue to be allowed.”

“Declaration/consent forms: It may be pragmatic to exempt qualified pilots from needing to complete these. Many cost share flights take place with other pilots, who will be aware of the nature and risk of such flights. Exempting the need for other pilots to fill in such forms would reduce the administrative burden with negligible detrimental effect on the review objectives.”

“For regular “sharers” of flight costs, a form for each occasion seems overly cumbersome: should there be an option to have a form which covers a date range? This would be particularly significant for an extended tour over several days.”

“I believe that a Passenger Declaration and Consent Form would be disproportionate for A-to-A flights or for flights where the pilot and passengers are all members of a flying club. For A-to-A flights I believe that the purely recreational nature of the flight would be self-evident, and for mutual cost sharing flights for members of a flying club the understanding of risk and consent would be more inherently understood amongst fellow members of the aviation community.”

“If possible, remove the need for the Passenger Declaration and Consent Form where the passenger holds or has held a pilot's licence and hence can be said to already understand the risks involved in a cost sharing flight.”

CAA Response: Partially accepted

The CAA's primary obligation is to ensure the safety of consumers and other members of the public. The proposal to introduce a Passenger Declaration Form is to ensure that the passenger(s) are aware of the type of flight being undertaken. When money changes hands for a service within aviation, there is generally an expectation of greater safety standards being applied. It is the misconception of the type of flight and the relevant standards that apply which are one of the main areas requiring further clarification and education to passengers.

Commercial flights are normally conducted by AOC holders and involve higher standards of safety regulation. Cost sharing flights are not commercial aviation and are not regulated as such by the CAA and passengers must understand and accept this. Within the consultation we provided an example Passenger Declaration Form; however this was only an example and its format was not compulsory. Pilots may create their own form (paper or online) provided the differences in safety standards are identified and passengers are able to formally record the acceptance of such differences prior to flight.

After reviewing the comments from the responders, the CAA have decided that Passenger Declaration Forms are still an important method to ensure that passengers are aware of and accept the type of flight being undertaken and therefore, Passenger Declaration Forms will be compulsory for cost sharing flights. However, we understand that such forms could create an onerous impact on legitimate cost sharing flights between regular passengers and pilots.

Therefore, within the revised regulation, an Acceptable Means of Compliance (AMC) will be established to remove the requirement to obtain formal acceptance in the following circumstances:

- (a) Passengers who hold or have held a pilot's licence.
- (b) Passengers who have formerly signed the declaration within the last six months provided the pilot has retained the previous copy and has added subsequent flight details.

Common Theme: 2) Confusion over equal shares**Summary / Example of Comments:**

Some responders were confused over the requirement for equal shares. The way in which the consultation was worded implied that the passenger(s) must pay an equal share of the flight and not any less. There were also concerns from the responders that cost sharing contributions are being abused by pilots where they are only contributing as little as £1 towards a cost sharing flight, meaning that the passenger/s contribute a disproportionately large amount of the direct costs. There were also concerns that pilots do not contribute to the costs at all and the passenger(s) pay all of the cost associated with cost sharing.

"Equal shares is an equally unreasonable restriction. For example, it would be common for two friends flying together to say "you pay the fuel/rental and I'll pay the Landing Fees and buy lunch". A more sensible restriction

might be that the passenger should not pay more than 50% of the associated direct costs- (Fuel, Rental or hourly charge and Landing Fees)."

"I have said "no" to the equal shares requirement because that is not actually what is being proposed. I support what is being proposed - "not more than the total divided by the number of people on board", but that doesn't need to be anywhere near equal. You make a mistake by publishing this as the "equal shares" clause. If a passenger slips me £10 it falls under the cost-sharing rule set, but it clearly isn't an equal share. You need to make clear that this is the "upper limit for passenger payments" clause, not the "equal shares" clause. The intention is that the pilot must bear at LEAST their share of the total cost, whilst the passenger(s) must bear at MOST their share. Only in the special case where they are the same would the shares be equal."

"I know many pilots who share and pay a nominal 1p and the passengers pay the remaining £150 and that is deemed to be "sharing"! Sharing MUST be defined as EQUAL shares of the SPECIFIC costs involved"

CAA Response: [Accepted](#)

It was not intended that the wording should suggest that passenger(s) must *only* pay an equal amount of the direct costs of a flight; this would not be in the spirit of the regulation or of the Working Group. The changes outlined were meant to ensure that passengers do not pay *more* than an equal contribution towards the direct costs. Within the revised regulation, the Guidance Material (GM) will explain that the pilot's contribution towards the direct costs of the flight must not be *less* than the proportional amount to the number of passengers on board. Pilots can pay more than the proportional costs and passengers are able to pay less than the equal share of the direct cost, but the pilot is not allowed to request or accept *more* than such equal contribution.

We are also aware that the introduction of the European Union Aviation Safety Agency (EASA) derogation on cost sharing flights removed the requirement for no more than equal cost sharing, which allows a pilot to pay less than the equal share of the direct cost. We believe that this was not the intended spirit of the regulation.

We would like to clarify that a pilot not contributing proportionally to the direct costs of a cost sharing flight would, consequently, make it an illegally operated flight and if reported would be investigated as such and enforcement action taken where necessary.

Common Themes: 3) Don't agree with Wingly, cost sharing platforms & 5) Online advertising should be banned

Summary / Example of Comments:

Due to their similarity, we have combined two themes together. Responders within this theme indicated a dislike of flights being advertised by and sourced through Wingly / cost sharing platforms (some seeming erroneously to believe that Wingly are the only cost sharing platform).

“Genuine cost sharing between friends couldn’t be policed and should be accepted. No different to car cost sharing. However, advertised or pseudo commercial activities such as Wingly need to be stopped.”

“Cost sharing is widely abused. I don't know of ANY "Wingly" pilot that pays a genuine proportion share of the flights that they make. This situation is uncontrollable, and problem only comes to light when some sort of accident happens”

“Having witnessed some Wingly flights depart my local airport in conditions I would not fly in, I am an FI(A) in an ATO, I believe a small number of pilots are pressurised by either passengers or themselves to “get airborne” or present themselves as CAT so feel obliged to get airborne.”

“The regulation changes do not go far enough. The biggest concern over cost share is the online contact platforms such as Wingly, where a pilot blatantly advertises flights to be performed at a date or time of the “customers” choosing. This is not cost-share; this is nearly AOC.”

“I’m of the opinion that the former rules requiring equal cost shares made sense. The Wingly type sites are, in my opinion, a vehicle for grey charters”.

CAA Response: [Partially accepted](#)

Wingly are only one of a number of online cost sharing flight platforms, many cost sharing flights are neither associated with Wingly nor otherwise organised online. It is likely that many responders have associated cost sharing flights with Wingly because it is currently the most recognised cost sharing platform.

The original EASA regulations removed the previous UK restrictions on advertising which has led to the emergence of cost sharing platforms to introduce pilots and passengers to cost sharing flights. Whilst many have seen the advent of such platforms as a threat, and even suggest they encourage illegal public transport, at their best they do present an opportunity to connect pilots with passengers that would never meet in normal circumstances, increasing opportunities to hours build.

Linked to the common theme of the introduction of the Passenger Declaration Form, with the growth of online platforms, it's now ever more important that members of the public who take cost sharing flights are fully aware of the circumstances under which they're flying.

We are planning to introduce a UK Cost Sharing Charter where cost sharing platforms can sign up to a code of conduct, which should lead to greater accountability in an area of aviation that has been difficult to regulate, and provide an opportunity to better manage the risks of non-commercial flights. A cost sharing flight arranged directly with a pilot relies completely on the pilot to brief the passengers and manage the risks; this is likely to be carried out to varying standards. With the use of a cost sharing platform that has signed up to the UK Charter, both the pilot and passengers are supported in the conduct of the flight and should be better informed as a result.

We have partially accepted comments from the responders and their views around cost sharing flights being advertised and the potential to become “grey charters”. Any advertising or promotion of cost sharing flights must make it clear that they are private arrangements and not conducted in accordance with commercial air transport or, where appropriate, public transport rules.

When a pilot communicates to the public that they are willing to provide a transportation service to any person who wants it, on any date, at any time, to any destination, this is classed as ‘holding oneself out’¹ as defined in Article 104 of the Order. We believe this was not in the spirit of or intent behind the cost sharing derogation. ‘Holding oneself out’ can also include in-person conversation, advertising in print, on social media, or by using an internet application.

Our proposal has not been developed to stop those legitimately cost sharing, but to stop those pilots who are illegally holding themselves out, which we seek to address with the revised regulation wording. We have been exploring different ways to achieve desired outcomes, and within the revised regulation there will be restrictions on advertising. However, to support the intent behind cost sharing - and the benefits it can bring to the community - within the AMC and GM, cost sharing flights will still be able to be advertised; however, the pilot must be already undertaking that flight regardless of whether they find someone to share the flight and its direct costs and will not be allowed to advertise an open request for a date, and/or location.

Advertising will *not* be allowed where it results in passenger (s) dictating the destination and/or date/time of the flight, in the manner of someone chartering an aircraft.

Common Theme: 4) Confusion over common purpose

Summary / Example of Comments:

Many responders agreed to the use of a common purpose condition within the proposal, but various issues and concerns were noted and recognised which could put into doubt and restrict normal general aviation cost sharing activities.

“Unlike the limitation to direct costs, a common purpose criterion for A-to-B flights does not contribute to regulatory objective of cost-sharing regulation. This is clear in that there is no common purpose involved in A-to-A flights, where the pilot’s purpose is to do some flying, and the passengers’ purpose is to enjoy some sightseeing. It’s inevitable that there are different purposes of pilot and passengers in all flights.”

“The “common purpose” provision should not be framed so as to prevent, for example, a pilot agreeing to transport another pilot to a neighbouring airfield in order to collect a plane from maintenance.”

¹ i.e. represent oneself as a person who may offer flights in an aircraft registered in the United Kingdom ‘for the purpose of public transport or commercial air transport’.

“Common purpose clause is unnecessary and pointless, doesn’t enhance safety in any way.”

“Need a good definition of 'common purpose' - I've travelled with a friend and picked up an additional friend and then all gone home together but under the proposed changes this may no longer be possible even though the flight was a normal and legal cost shared flight, and this also had no impact on safety.”

CAA Response: [Accepted](#)

After reviewing the comments by the responders to the introduction of a “common purpose” condition, we have recognised this could have a negative impact on cost sharing flights without producing a positive safety benefit. It would also introduce a restriction on legitimate cost sharing flights between friends and other pilots in a way which we found could be detrimental to the GA community.

The intent behind this condition was to limit those pilots who operate outside of the regulation and hold themselves out as discussed in the above common theme on advertising. Although the “grey charter” issue still represents a threat to the public, and potential lost revenue for legitimate charter companies, including a common purpose condition would not have a direct safety benefit to legitimate cost sharing flights, and we therefore believe the response on advertisement and changes to the revised regulation would be sufficient to capture some of the intent of the “common purpose” proposal, without the unintended consequences.

Considering its limited benefit to public safety, the potential detriment to the aviation community, pilots’ interpretation, and the practicalities of enforcing such a condition, this condition will be removed from the revised regulation.

Common Themes: 6) Need better regulating by CAA & 8) Enforcement of the current rules - they are currently open to interpretation

Summary / Example of Comments:

There were various comments regarding the enforcement of the rules concerning general aviation cost sharing flights, and suggestions that the CAA should focus on enforcement rather than changing the regulations.

“The proposed changes are a step backwards, introduce additional administrative burdens and do very little to improve safety or reduce illegal CAT/PT flights. The problem is not with the current regulations, but the lack of enforcement with them. Those who break the rules as they are now will break the rules after they are changed, with the only outcome of new rules being to burden rule following pilots.”

“The risk in creating further regulation that is likely to be burdensome to the majority of pilots who are law abiding yet will have little or no impact on those who are willing to break the rules. The solution to the problem seems to me to be better enforcement of existing rules, rather than creating new ones - if the CAA is not willing or able to enforce then any new regulation is pointless.”

“Genuine cost sharing between friends couldn’t be policed and should be accepted. No different to car cost sharing. However, advertised or pseudo commercial activities such as Wingly need to be stopped. This is unregulated charter flying. It’s only a matter of time before a family is killed. We as an industry have to protect the public. I am only a PPL so have no commercial interest in my comments. I just see malpractice on a regular basis. It’s just wrong and you (CAA) have to take the lead and stop this.”

“When ramp checks are carried out, failure to cooperate with the CAA staff member shall be an offence in its own right. Take some powers afforded to a Police Constable. This will ensure that “grey charters” (as they are called) become a thing of the past.”

“The wording of the regulations gives way too much leeway for interpretation, abuse and simple dishonesty, which allows PPLs to make significant profit from each flight.”

CAA Response: [Noted](#)

In order to develop policy that reflects our priorities and needs, and to ensure they are correctly targeted; some of our focus is on improving the aviation experience for current and potential aviation consumers. Our aim is to ensure that consumer safety is supported throughout the design of the regulatory framework. With the evolution of online platforms, and increased accessibility of aircraft to the general public, regulations and guidance should be reviewed to ensure they are still effective and suitable.

The CAA carry out ramp inspections as part of a general aviation aircraft surveillance programme. They can also be part of planned, unannounced or intelligence led surveillance of a particular aerodrome, operator or aircraft. Ramp inspections are conducted to ensure operations are being carried out safely and in accordance with regulations. A typical ramp inspection involves the checking of aircraft documentation, pilot documentation, preparation for flight and the aircraft. Passengers will also be spoken to when appropriate to ascertain the nature of the flight.

The CAA receives intelligence from the aviation community and public relating to alleged misuse of the cost sharing regulations through a variety of channels, including Whistleblower reports. Some of these reports have led to further enforcement action and, in some instances, have resulted in licencing action or criminal charges. However, we receive many reports of alleged illegal operators, which contain incomplete information or detail about the pilot, aircraft, or location, or which, upon investigation, reveal no wrong-doing. Without usable information and robust evidence – which can include witnesses giving statements to CAA investigators and attending court – investigating alleged criminality is challenging and can lead to pilots not facing enforcement action. If the community believes it has evidence that pilots are offering / conducting illegal flights, they should report it to the CAA via our website.

In relation to CAA's enforcement activity, it is an offence under the Air Navigation Order to obstruct an authorised person who is exercising a power or performing their duty, and those persons that do are investigated and, where appropriate, action is taken.

Common Theme: 7) Renting/owning aircraft costs

Summary / Example of Comments:

Responders commented that they believe pilots on cost sharing flights should be able to receive more than the direct costs of the flight.

"I am not clear on the purpose of the review, or the real purpose of the cost sharing rules. These rules already greatly disadvantage the owner-pilot over the renter as rental costs are allowed to be off-set whereas fixed ownership costs (hangarage, insurance, maintenance, etc) may not. The ownership costs often significantly outweigh the direct costs. For my aircraft the proportion is roughly 1/3 direct costs against 2/3 fixed ownership costs."

"I believe direct costs should include an allowance for maintenance in the case of owned aircraft. This could be calculated by e.g. cost of maintenance in last 100 hours divided by number of hours flown in cost sharing flight (then divided between individuals involved)"

"Direct costs. This comes at a significant disadvantage to aircraft owners, who can only claim fuel/oil/airfield charges, but the renter can claim the full share of the cost. A more reasonable proposal would be that for owned aircraft, a reasonable charge can be made that covers all operating expenses. A guide for reasonableness could be the rental cost for an equivalent aircraft in the UK, or the annual cost of operating the aircraft divided by flight hours. There are some corner cases here, but if we are getting down to that then the courts can sort it out."

CAA Response: [Not Accepted](#)

The CAA does not intend to expand the acceptable costs to include annual costs. The direct costs contribution has always been the only remuneration allowed to be received by the pilot in return for cost sharing flights. Costs outside of the direct costs of a flight are therefore the owner's responsibility to cover.

The intent of cost sharing was to allow a flight's direct costs to be shared among the occupants to allow the pilot to take that flight at a lower cost. Although noted and reviewed, these comments are not accepted nor did they form part of the original consultation. Expanding the allowable costs to include annual costs will not be included in the revised regulation.

Common Themes: 9) Significant financial impact on pilots trying to hour build & 10) Regular flying – safety increased

Summary / Example of Comments:

Responders noted that the proposal may have a detrimental effect on their ability to continue flying without the contributions of members of the public.

"I'm currently 'hour building', and the opportunity to have other pilots and passages legally pay towards the costs of a flight is of massive benefit and is what keeps many of us flying! Not only this but allowing others to pay towards the cost of a flight through a pilot friend, for example, perhaps at a lower rate compared to a lesson (say 20% of an hourly rental cost), proves to be an excellent way of getting new faces involved in general aviation! GA should be inviting, not politically daunting."

"The CAA is proposing to impose swinging restrictions on everyday PPL's which will have a massive impact on our everyday flying. Right now, I occasionally get asked to fly a fellow pilot to collect his a/c from maintenance (or similar). He knows my financial position and offers to pay for the fuel - and off we go. No safety is compromised (he asks me because he knows I am an experienced and safe pilot) and no air taxi firm loses revenue because he would never hire them for such a flight (most couldn't land on the small strip he needs to get to) Like 90% off PPL's, I am not in a financial position to pay 3/4 of the cost of that return trip (50% of the outbound and 100% of the return), so if this rule comes into force, I and many other PPL's will have to say, " sorry, I can't afford to make that flight - you will have to take the train or a taxi). I ask - how does this enhance safety? It doesn't"

CAA Response: [Noted](#)

Legal cost sharing flights provide a positive contribution to aviation safety allowing pilots to accrue greater skills and experience and make progress towards additional ratings and licences. By sharing their passion for aviation with others also allows the passengers to take part in an exciting recreational activity which they otherwise might be excluded from.

It is not our intention to restrict legitimate cost sharing flights from taking place. The aim of the consultation proposals was to ensure passengers understand and accept the type of flight they are undertaking, returning to the previous condition of cost sharing where the pilot shares the expense and receives no more than equal contributions of the direct costs of the flight.

Cost sharing can help reduce pilots' costs, enhance the enjoyment and safety of private flying through additional experience, provide positive economic benefits for other areas of UK general aviation and create a pool of future commercial pilots. One of the main benefits of cost sharing is the potential for pilots to gain experience at a lower cost to themselves; however, within the revised regulation, the pilot will only be allowed to receive a contribution of the direct costs of no more than the proportional amount to the number of passengers on board. Even with this

stricture, cost sharing flying will still be cheaper (sometimes considerably cheaper) and more accessible than if no cost sharing was permitted.

Common Theme: 11) Where is the evidence?

Summary / Example of Comments:

Some responders commented that the CAA have not outlined any data to support the proposals.

“The proposed changes in the ANO and air ops are not supported by any data. This is being done purely on the basis of a small number of people’s opinions who think “it feels about right”. That’s not good enough.”

“Clear statistics on the number of flights that have breached the existing regulations vs no breached should be considered.”

“With 1 high profile incident that probably wouldn’t have come to light if the aircraft hadn’t crashed. How big is the problem? Has any research been conducted, where’s the evidence to support any legislative changes, the statistics?”

CAA Response: [Noted](#)

Although the CAA does receive reports of the alleged abuse of cost sharing flights, it is agreed that there is a dearth of statistical data in this area. This is in part due to the lack of a requirement on those involved in non-commercial flights for record keeping and monitoring, and in part as a result of having no way of accurately knowing how many cost sharing flights are actually being operated legally or illegally.

In addition, cost sharing flights are non-commercial operations, and therefore private flights, which are not distinguishable within the Mandatory Occurrence Report (MOR) regime.

Building the necessary strong evidence base to develop policy that reflects the priorities and needs of the CAA, GA community and consumers, requires correctly targeted enquiries and research. Our work on this consultation, the review and investigation of reports, along with the introduction of the UK Cost Sharing Charter, will offer future insights and analysis of appropriate data.

As outlined in the enforcement common theme, the CAA monitors possible illegal operations by conducting inspections at airfields and public events where aeroplane and helicopter operations take place, and carry out spot checks of flight plans in order to identify potential illegal activities.

Those doing so have powers to access otherwise restricted areas of flying sites, and hence to the crew and passengers of aircraft. Where we find evidence that a flight may have operated, or is intending to operate, illegally, we have the power to detain an aircraft, and where appropriate, take enforcement action. We also act on intelligence reports provided by the aviation industry or members of the public, including information submitted through confidential reporting channels such as Whistleblowing reports.

Significantly, it was noted within the consultation responses that there is an acceptance in the GA community that the cost sharing framework needs to be amended.

Common Theme: 12) Pilots should have minimum flying hours before being able to fly strangers

Summary / Example of Comments:

Although not part of the consultation, responders commented and made recommendations for an additional condition to ensure all pilots carrying out cost sharing flights had a certain level of experience including flight hour minimums.

"I think that cost sharing platforms are great, a really good way for exposure to aviation, however there should be a minimum of say 50hrs P1 post PPL, or minimum of 150hrs total to prevent hour builders getting a discount and being pressured to make unsafe decisions."

"As a PPL holder for over 30 years my firm belief is that such 'cost sharing' flights (eg as promoted by 'Wingly') in which members of the public fly with unknown PPL's (who may have only gained their licence the previous day with the minimum number of hours and thus very inexperienced) are extremely dangerous and that it's only a matter of time before a catastrophe occurs. If the CAA wish to continue to permit such flights, there should be a stipulated minimum number of P1 hours applicable and a logbook certification by a CFI."

"P1 on a cost share flight should have a minimum of 500 hrs & an IR (R) - Unless sharing with another ppl"

"One can look at the flight sharing platforms and see PPL's with as little as 50 hours total time (including at least 45 hours on their PPL course) offering long distance complex / difficult flights in large and complex aircraft (for example offering to take 5 passengers to Jersey for a weekend). How can the CAA consider this to be a safe practice?"

CAA Response: [Not Accepted](#)

We believe that stipulating a minimum hour or experience requirement on cost sharing flights will have a negative impact on the community and not support the advantages of cost sharing, as referenced in previous responses. As cost sharing flights are considered to be non-commercial, once a pilot has been legally licenced to fly a particular aircraft, they have accordingly been deemed by a Flight Examiner to be able to operate that aircraft safely and competently.

We are aware that there remain associated risks to cost sharing that are not present in other areas of non commercial aviation. One such risk is the added pressure on the pilot to complete the flight, once having agreed to fly other people, which can occur in both commercial and private flying. The change to the advertising of cost

sharing flights, where the passenger can no longer pick the destination and/or date of the flight, will reduce this risk as the passenger is not leading the pilot's decision making.

These comments were not accepted and will not be reflected within the revised regulation.

Responses to some comments outside of the common themes

3.4 Although most comments from the consultation were able to be grouped together into the above 12 common themes, there were a few additional comments which we have summarised below, along with the CAA's views on the points raised:

3.5 Comment:

'Concerns for your consideration: what are the implications of these cost sharing regulations to a commercial pilot who may want to hire one of their company aircraft on a day off to take friends/family flying? In particular - page 14 of the document, ANO proposed wording:

2.d) the flight must be operated by a private individual..... This paragraph suggests that a commercial pilot can't self fly hire an aircraft from the operator for which they work, to take friends/family flying & cost share. I can't see logic for disallowing this, so I'd appreciate clarification and also the reasoning if it's not permitted. If it is permitted, the the wording of this paragraph just needs adjustment to remove ambiguity.'

3.6 CAA response: Noted

The term 'Private Individual' in the context of cost-sharing flights, refers to pilots, who may in turn become the operator. Hiring an aircraft from an operator and operating within the regulations for private flights, the pilot becomes the operator provided that they are not employed as a pilot by, or are a party to, a contract for the provision of services as a pilot on this particular flight.

The pilot must still make it clear that these are private arrangements and not conducted in accordance with commercial air transport or, where appropriate, public transport rules.

3.7 Comment:

'The PD&C should also get passengers to confirm that they understand that because pilots and aircraft may have less capability than a commercial operation, it's more likely that the flights may have to be delayed or cancelled. Pilots should have no liability in these circumstances, and passengers would be fully responsible for dealing with the consequences of any delay or cancellation. It is essential that passengers do not put explicit or implicit pressure on pilots to fly if they are not happy with the circumstances (eg adverse weather).'

3.8 CAA response: Partially accepted

As discussed above in Common Theme 1, the example Passenger Declaration Form provided in our consultation was not a mandatory format for use. Provided the differences in safety standards are identified and passengers are able to formally record the acceptance of such differences prior to flight, pilots may create their own form (paper or online) and therefore can include a statement relating to delayed or cancelled flights as required.

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. As outlined in Common Theme 12 above, the change to the advertising of cost sharing flights reinforces the key aviation principle that the Pilot in Command alone decides whether they will undertake a particular flight.

3.9 Comment:

'These questions are framed for power flying. My answers are framed for gliding. It is vital that regulations designed for power flying are not applied to gliding.'

3.10 CAA response: Noted

The Cost Sharing regulations for Part 21 Sailplanes are held within UK (EU) Regulation No 2018/1976 (The UK Sailplanes Regulation) which is unaffected by this consultation. Non-Part 21 Sailplanes will continue to comply with the ANO and therefore the proposed amendments in the consultation will apply.

3.11 Comment:

'It's time to create an GA specific AOC. Currently people are using the current cost sharing platform because of the difficulty in obtaining an AOC. Why not create an AOC in which operators can subscribe to so the CAA can have oversight of the operations.'

3.12 CAA response: Not accepted

Cost sharing is a non-commercial activity provided the conditions set out in the regulation are complied with. An Aircraft Operating Certificate (AOC) is issued for Commercial Air Transport operations and requires the use of commercial licences, management systems and a commercial operating framework. Therefore, this would not be viable for a private operation such as cost sharing and would require greater regulation in this area.

3.13 Comment:

'I am heartened to learn that this is being done as there has been too much abuse of the system for too long. Will this extend to N-Reg aircraft operated in UK airspace?'

3.14 CAA response: Noted

If the aircraft is registered in a third country, the competent authority shall be the authority designated by where the operator has its principal place of business, is established, or is residing.

Cost sharing on N registered aircraft within the UK are bound by both the Federal Aviation Administration (FAA) and UK CAA regulations. If the FAA regulations are more restrictive, they take precedence over the UK regulations. The FAA as a general rule - state that private pilots may neither act as Pilot In Command (PIC) of an aircraft for compensation or hire, nor act as PIC of an aircraft carrying persons or property for compensation or hire. However, the FAA regulations contain seven exceptions to the general prohibition against private pilots acting as PIC for compensation or hire. For example, the FAA has consistently interpreted cost sharing to mean that a private pilot must have a common purpose with their passengers and must have their own reason, other than the receipt of compensation for the flight, for travelling to the destination.

3.15 Comment:

'I think the changes look sensible. If anything - cost-sharing arrangements will be safer via a site like Wingly, rather than a conversation in a pub between people who say they want to go for a flight and will give them some money towards fuel. At least you can get stats and data from Wingly or another online platform, and they can force a declaration.'

3.16 CAA response: Accepted

The CAA does liaise with flight sharing platforms for data and statistics of cost sharing flights and will continue to do so. We are also aware that Wingly (and other flight sharing platforms) already provide a form for passengers to read prior to flight. Therefore, we anticipate that flight sharing platforms will be able to create their own Passenger Declaration Form in line with this consultation for any passengers who book a cost sharing flight through their platform.

3.17 Comment:

'Online cost sharing platforms add their own fees on top of the flight cost estimated at the point a pilot puts the flight on an online platform. It is not clear if the 'equal share' clause needs to include such fees or not.'

3.18 CAA response: Noted

'Direct costs' means the costs only directly incurred for that flight and include only fuel; oil; airfield charges and rental fees at current market rate.

Some cost sharing platforms add a fee to the total cost that the passenger of the flight is required to pay. In regulation, this additional fee would not fall within the definition of valuable consideration for the flight as it is payment for an introduction service. An

introduction service is not covered by the regulation. The cost sharing regulation refers to the direct costs the pilot incurs for that particular flight. The flight sharing platform would receive any introduction service fee directly from the passenger, and therefore, the pilot neither receives nor incurs this fee.

Chapter 4

Next Steps

- 4.1 The consultation showed a clear and significant majority of respondents who favour the review and amendment of the cost sharing regulations.
- 4.2 This has been a landmark consultation for the CAA, providing, as it has, meaningful insight into the thoughts of the aviation community on this very important and sometimes contentious topic. It has shaped the opinion of the CAA significantly and has influenced our response in the revised legislation wording.
- 4.3 The CAA will now work closely with the Department for Transport (DfT) to develop the legislative changes as per the rationale explained within this document. This work will require amendments to UK (EU) Regulation No 965/2012 (Air Operations Regulation) and to the Air Navigation Order 2016 (the Order). However, until these legislative changes are made, the provisions in the current cost sharing legislation will remain valid, therefore there is no immediate action for the community to take.
- 4.4 We will inform the community in advance of the changes to the legislation taking place and the date that the changes described within this document will come into force. Amendments to the relevant cost sharing flights CAP documents and CAA webpages will be updated in due course, and we will begin to establish a UK Cost Sharing Charter.