

Statement on the Regulation of Flight Operations Using VTOL Aircraft that Require a Pilot on Board

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Introduction

This document presents the UK Civil Aviation Authority's (CAA) current position on how we will apply existing regulations to organisations wishing to operate VTOL aircraft with a pilot on board for commercial operations. This follows a call for input from industry that was open from 16th October 2023 to 20th November 2023. The call for input and response documents can be found on the CAA Citizen Space website.

For now, existing legislation will enable and form the basis of our regulation of VTOL operations. Both CAA and industries' collective understanding of these new technologies will grow as designs mature and actual operations commence. These experiences and increased understanding will inform the CAA's work of amending existing legislation in the future to better enable deployment of new aviation technologies such as VTOL operations.

In the meantime, the CAA has developed this statement on how we will apply existing regulations in this area to inform and enable stakeholders' planning operations now. Amendments to the existing regulatory framework in the future will involve industry input and formal consultation as per [Introduction to UK aviation safety policy and rule development | Civil Aviation Authority \(caa.co.uk\)](#).

Scope

This statement is applicable to all prospective operators of VTOL aircraft that require a pilot on board. The diverse designs of VTOL aircraft make them difficult to sub-categorise more specifically at this stage without potentially constraining further innovation. Prospective operators of these new designs should seek advice at an early stage to clarify the regulatory framework that is applicable.

For the purposes of the application of the Air Operations Regulation, a VTOL aircraft shall be treated as either an aeroplane or a helicopter according to the specific design of the aircraft and its operational mode. The regulations applicable to a helicopter or an aeroplane will be applied according to the phase of flight, and the method of supporting the aircraft in flight at that point. Where both could be applicable the CAA will apply the regulations that ensure the higher level of safety.

We will regulate all VTOL aircraft on the basis they are complex motor-powered aircraft for the purpose of the application of the Air Operations Regulation.

UK Regulation (EU) No. 965/2012 already applies to these aircraft, but we recognise that legislative amendment will be appropriate in the future to put the positions in this paper beyond doubt and to enable operations by other forms of innovative aircraft. The CAA intends to propose regulatory amendments in due course to further clarify or amend the operational regulatory framework to be used.

Interpretation

In this document, references to EU regulations are to those regulations as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018 and now known as assimilated EU law following the Retained EU Law (Revocation and Reform) Act 2023. They are referenced as “UK Regulation (EU) year/number” or “UK Regulation (EU) No. number/year”.

Definitions

‘VTOL aircraft’ means a heavier-than-air aircraft, capable of performing vertical procedures by means of more than two lift/thrust units.

‘aeroplane’ means an engine-driven fixed-wing aircraft heavier than air that is supported in flight by the dynamic reaction of the air against its wings.

‘helicopter’ means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes.

‘commercial air transport’ (CAT) means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration.

‘commercial operation’ means any operation of an aircraft, in return for remuneration or other valuable consideration, which is available for the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator.

Flight Operations Applicable Regulations

All operations by VTOL aircraft with a pilot on board must be conducted under UK Regulation (EU) 2018/1139 (the UK Basic Regulation) and the associated Implementing Rules (IRs). Annex 5 of the Basic Regulation lays down the essential requirements for Air Operations.

UK Regulation (EU) No. 965/2012 (the UK Air Operations Regulation) sets out the IRs and lays down detailed requirements for air operations.

Operators of VTOL aircraft engaged in CAT operations must operate the aircraft in accordance with the provisions of Annexes III (Part-ORO) and IV (Part-CAT).

Operators of VTOL aircraft must comply with the relevant provisions of Annex V (Part-SPA) when wishing to operate under a Specific approval.

Operators of VTOL aircraft engaged in non-commercial operations must operate the aircraft in accordance with the provisions of Annex III (Part-ORO) and Annex VI (Part-NCC).

Operators of VTOL aircraft engaged in either commercial or non-commercial specialised operations must operate the aircraft in accordance with the provisions of Annex III (Part-ORO) and VIII (Part-SPO).

Commercial Air Transport

Operators with a principal place of business in the UK wishing to conduct CAT operations will need an Airline Operating Certificate (AOC) and an Operating Licence (OL) from the CAA (UK Reg EU 1008/2008). The OL reflects the nature, ownership and financial health of a business, not operational safety. Operational safety is assessed under the Air Operator Certificate (AOC) scheme.

An air operator's certificate (AOC) is the approval granted by the CAA to an aircraft operator to allow it to use aircraft for commercial purposes. This requires the operator to have personnel, assets, and a safety management system in place to ensure the safety of its operations.

An Operating Licence can only be granted to applicants who hold a valid AOC.

Non-Commercial Operations with other-than-complex aircraft (Part-NCO) - Cost Sharing

Under article 6 paragraph 4a (a) of the UK Air Operations Regulation there is an exception to the CAT rules for Part-NCO aircraft to conduct a flight where the cost of the flight is shared by the occupants. As all VTOL aircraft are complex motor-powered aircraft, cost sharing is not permitted.

Related Applicable Regulations

- [UK Regulation \(EU\) No. 2018/1139 \(the UK Basic Regulation\)](#)
- [UK Regulation \(EU\) No. 965/2012 \(the UK Air Operations Regulation\)](#)
- [UK Regulation \(EU\) No. 1008/2008 \(the UK Operation of Air Services Regulation\)](#)
- [Air Navigation Order 2016](#)
- [UK Regulation \(EU\) No. 923/2012 \(UK SERA\)](#)
- [The Rules of the Air Regulations 2015](#)
- [The Air Navigation General Regulations 2006](#)
- [UK Regulation \(EU\) No. 2002/2786 \(Dangerous Goods\)](#)

Review of Policy

The CAA will keep this statement under review having regard to technological developments, research and evidence it receives from stakeholders.

Point of Contact

Any queries or further guidance required on the content or implementation of this Flight Operations Policy Statement should be addressed to: aamenquiries@caa.co.uk